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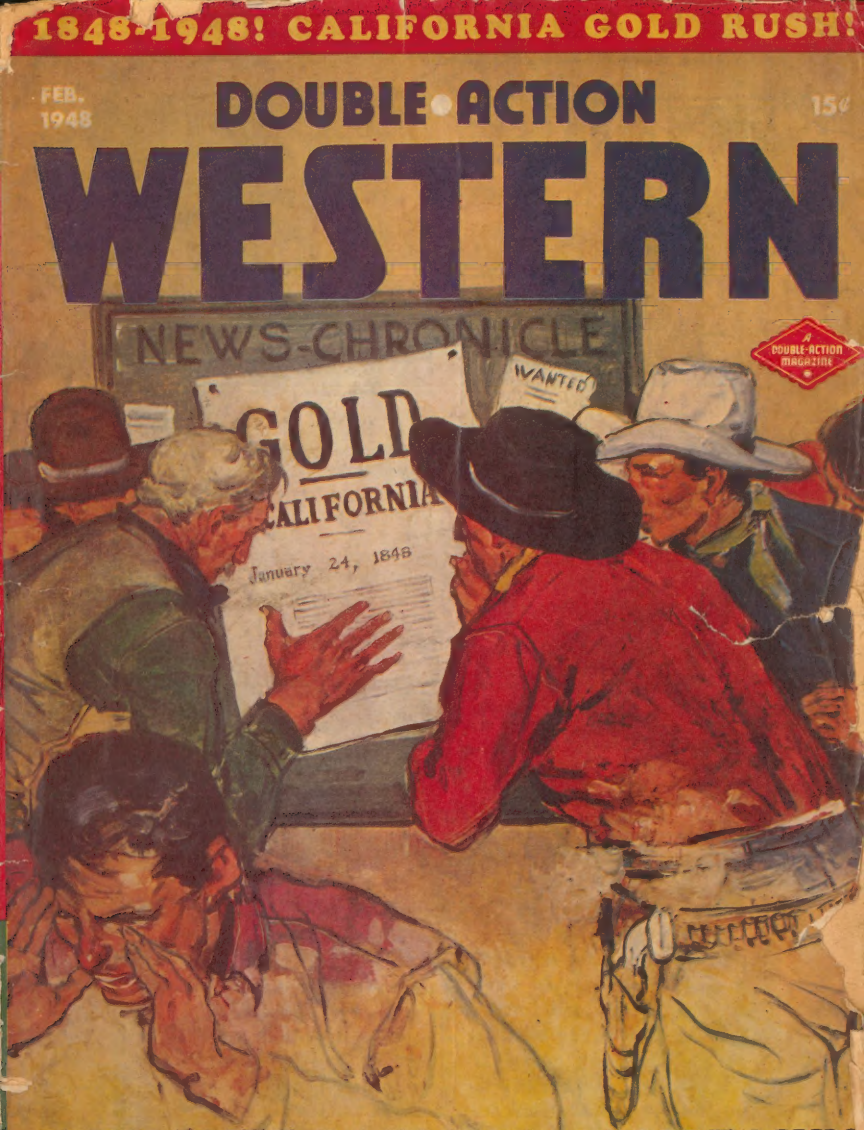

VIGILANTE LAW FOR HANGTOWN

Brand New Novel by Chuck Martin

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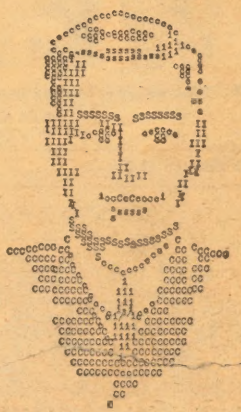

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GOLD-RUSH CENTENNIAL ISSUE

DOUBLE-ACTION WESTERN

TITLE REGISTERED U. S. PATENT OFFICE

Volume 14 February, 1948 Number 4

BRAND NEW 1848 CALIFORNIA NOVEL

VIGILANTE LAW FOR HANGTOWN ..... By Chuck Martin 8

Terry O'Day could read sign, and he foresaw what would happen when gold was discovered on the American river, that historic year of 1848. Men from all over the world would swarm into California — first those who would labor in the Diggin's, then those who would fatten themselves on the fruit of the miners' hard work. And a new way of protecting honest men would have to be put into force, swiftly and efficiently—the way of vigilantes!

SHORT STORIES

DRY DUST ..... By Eric Thorstein 93

Something big was afoot at Sutter's Mill and Steve Anderson knew the secret — but when those who expect you to keep their secrets won't treat your proper . . .

TO PRISON VIA EXPRESS ..... By Rex Whitechurch 97

The story of Joe Cobb — nemesis of the train robbers!

GOLDPLATED GREENHORNS ..... By Ernest Hamilton 99

Like you've been told, it was a rough and tough life in the old west; but they had their own ways of amusement, and their own special brand of practical jokes!

WHIZZERS ..... By The Cowpoke 107

Here's just a few nuggets from the great lode of true anecdotes of the Gold-Rush days!

ROBERT W. LOWNDES, Editor

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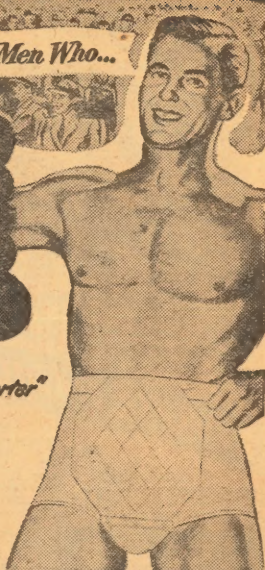

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—Dr. C. G. S., Illinois

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—H. A. Z., Bethlehem, Pa.

"Enclosed please find an order for two more. I am telling the Commander right now and am well satisfied. It is the most practical belt I have ever had."
—E. W., Chicago, Ill.

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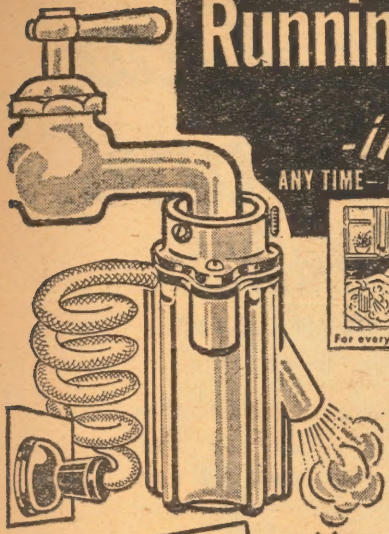

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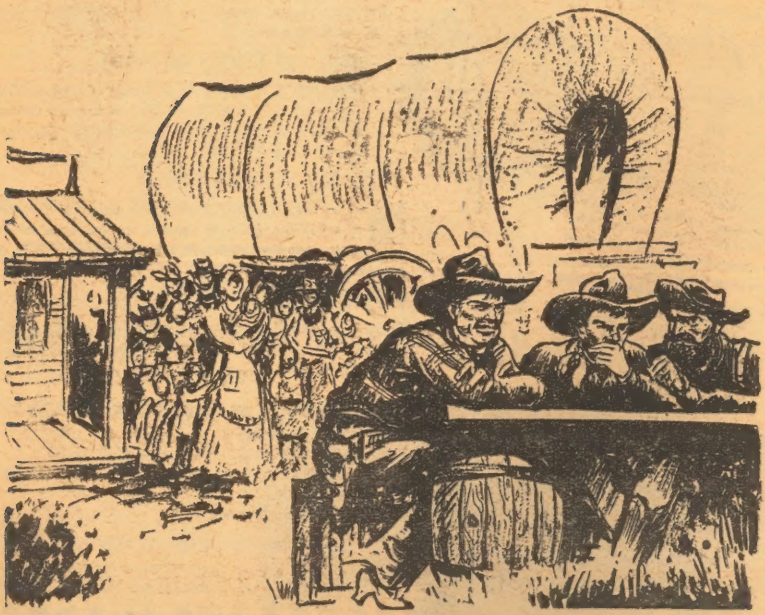
CITY.....ZONE.....STATE.....

Vigilante Law for Hangtown

by Chuck Martin

BRAND NEW GOLD RUSH NOVEL
Complete in This Issue

Most men dropped everything and ran pell-mell when the news of gold came, but Terry O'Day had vision; and he saw that gold-madness would make new ways of preserving law and order necessary — vigilantes!



It was the first trial in the new town—but it was being conducted fair and square, according to the law that the gold-seekers had left behind.

1

Life and Death

TERRENCE O'DAY had watched Yerba Buena die a slow and peaceful death. The old Mexican village was located on one of the finest harbors in the raw and lusty land of California, the new land of *Manana*. The population was less than nine hundred souls, most of whom did nothing today which could be put off until *Manana*—tomorrow. Now the war with Mexico was over.

O'Day had been one of the crew of the *Portsmouth* under command of Captain Montgomery. Yerba Buena had surrendered to the United States, and Yerba Buena had died peacefully when the Stars and Stripes had been hoisted in the sun-drenched Plaza.

Terrence O'Day would never forget that day of July 8th, in 1846. From the nucleus of the sprawling, somnolent village, a new city had been born. A city destined to be the melting pot of the far West, where men of many breeds and convictions would shape her destinies—and their own.

It was on that day that San Francisco was born! O'Day had arranged for his discharge, due mostly to the persuasiveness of his ready tongue and a shrewd Irish wit. He had helped Fremont chart the wilderness from the Rockies, had made many of the maps, and in the service of his country, had come to a self-reliant maturity.

Now at the age of twenty-six, Terrence O'Day stood an inch less than six feet, and he weighed a lean one hundred and seventy pounds. His dark blue eyes looked out upon the new land and found it good for a man whose courage had been proved.

An infant learns to crawl before it can walk, and San Francisco had its growing pains. Strong new blood assured a continuing virility, and all the highways of the world led to the Golden Gate. More ships were bringing their cargoes for barter and trade; goods could be sold on consignment. The O'Day Mercantile Company was doing very well, and the weekly newspaper which Terrence O'Day edited was at least paying its way.

A tall wide-shouldered man came down to the wharf and studied O'Day appraisingly. Jim Brannigan was a powerful man of fifty, with a lion's mane of iron-gray hair. Dressed in black broadcloth with a pistol belted about his ample hips, and an arrogant gleam in his wide gray eyes. Jim published the San Francisco *Courier*.

"A good morning to you, Brannigan," O'Day called cheerfully. "And to your most charming daughter!"

"Good morning, and 'tis the gift of foresight you have, Terry O'Day," Brannigan answered gruffly. "Seeing that Molly is doing her page back in the office!"

He frowned and turned when Terry O'Day smiled and raised his black beaver hat. Molly Brannigan was coming toward the younger man with her hand outstretched, and a smile of welcome in her sultry dark eyes.

"When did you get back from Sutter's Fort, Terry?" the girl asked eagerly.

"Late last night, Molly," O'Day answered with a little shrug of his broad shoulders.

"The Devil you say!" Jim Brannigan interrupted rudely. "Yonder comes Sutter's sailing launch, The *Dice Mi Nana*, and the skipper seems excited!"

Terry O'Day was almost running to meet the Captain of the small launch. The two men talked for a brief minute, and then the Captain passed a small object to O'Day who hurried up Montgomery street.

Jim Brannigan stared as men began to follow the tall young editor and merchant. Reluctantly, Brannigan moved along, arriving at the old Mexican Custom House just as Terrence O'Day climbed the steps and faced the curious crowd. The blue-black of O'Day's beard showed under the ruddy skin of his smoothly shaved face as he threw back his head, while shaking a small bottle in his left hand.

"Gold!" O'Day shouted at the top

of his powerful voice. *"Gold has been found on the American River!"*

TERRY O'DAY pushed back his broad-brimmed beaver hat to show the red-gold in his thick, curly hair. His dark eyes were shining as he shook the contents of the small bottle in his hand.

Jim Brannigan pushed his way through the throng and faced O'Day squarely. "Where did you get that gold, O'Day?" he demanded imperiously.

"I took it in at my store at Sutter's Fort," O'Day answered without hesitation. "You heard about Marshall's discovery, but this one is far richer. One man picked out a pound from a crevice between two rocks, and did it with the blade of his jackknife. Every one will be rich!"

Jim Brannigan turned his head and then scowled. Several small boys were screaming loudly at the tops of their voices as they passed out papers from bundles under their arms.

"Read all about the rich gold strike! Read all about it in the *Argonaut!*"

"So you scooped me again, O'Day," Brannigan said bitterly. "You have means of getting about denied to me, and you kept me standing on the wharf while your printers got out your scurrilous sheet!"

"Scurrious?" Terry O'Day repeated. "The *Argonaut* publishes only the truth, Jim Brannigan!"

"And you staked out a claim," Brannigan accused furiously.

"I did," O'Day agreed. "You can do the same if you hurry!"

"I'm off to the gold-fields," Brannigan threw back over his shoulder, as he rushed to a small sailing ship in the river cove. "I'll settle with you later, O'Day!"

Terry O'Day's straight nose tilted as his nostrils flared widely. He made as if to rush after the older man, but a small hand grasped his left arm.

"Please don't quarrel with Father," Molly Brannigan pleaded. "He admires you greatly, but you always do the things he wants so badly to do himself!"

The anger fled from Terry O'Day's handsome face. He opened his broadcloth coat and fingered a peculiar chain which was draped across his embroidered vest from pocket to pocket.

"These are gold nuggets from the American River," he told Molly Brannigan in his deep resonant voice. "I wanted to make sure before the news was announced. Before night-fall, half the men in San Francisco will be headed for the diggings!"

"This is May," Molly said thoughtfully. "Father announced the strike at Sutter's Mill two weeks ago, but no one got excited until you showed the samples this morning. I'm going to the diggings too!"

"Not you, Molly!" O'Day contradicted. "Foreigners from all over the world will be there, living like animals. When news reaches the East, men will flock across the mountains and plains like ants, and the diggings will be no place for a woman!"

"I write the society news for the *Courier,*" Molly said pensively. "Now I will report real news!"

Tall she was, and superbly moulded. Dark hair and eyes from her Spanish mother who had died in Monterey. Jim Brannigan had been both father and mother to the lovely Molly, and she had the same crusading tendencies of her fiery sire.

"Better stay in San Francisco for a time," O'Day counseled soberly. "But if you do come to the diggings," he added slowly, "You will always be welcome at my stores.

"You are not going to dig for gold?" the girl asked breathlessly.

"I have a claim, but I will sell merchandise," O'Day answered quietly. "You'll see I make more money that way."

MOLLY BRANNIGAN behaved as though she had scarcely heard him. She was running swiftly down the street toward the building which housed her father's newspaper, and their living quarters. The offices of the rival sheet were across the street directly opposite the Plaza. Terry O'Day sighed and tucked the

bottle of gold in a vest pocket, and his big right hand gently touched the pistol in his belt as he started for his office and home.

A man could ride the trails to Sutter's Fort, and the as yet nameless diggings. He could also procure passage. Wagons were leaving the city in an endless stream, and small boats were casting off from the wharves with their over-loads of human freight.

Terry O'Day smiled with a trace of sadness as he entered his printing office. Two ink-stained man and a boy greeted him vociferously, bragging about beating the rival *Courier* to the great news. O'Day raised his hands for silence.

"I'll leave the paper to you boys for a while," he said quietly. "Later we will start another paper in the diggings, and food up there will be both scarce and high in price. Remember that, John Morgan, and you, Dennis Ryan!"

"We mean to stake out claims," Morgan almost shouted. "Dennis and I have bought a wagon and team, and we mean to dig for gold!"

"I was afraid of that," O'Day sighed. "So you mean to head for the diggings. When you get enough of it, there will be jobs for you on my newspaper. I'll close down here for a while."

O'Day sighed as the two men and the boy rushed from the office. His saddle-bags were already packed, and O'Day went through the back and saddled his spirited horse. Another horse was racing up the street at a full figure of Molly Brannigan sitting astride the saddle, dressed in a divided leather skirt.

Terry O'Day frowned as he mounted his saddle. It would require almost three days of steady travel to reach Sutter's Fort, and another day to reach the diggings. Many of the gold seekers had rushed away without thought of provisions or tools, and the O'Day stores would do a booming business.

O'Day followed the river trails until almost dark. He made camp in a familiar grove of trees, eating cold meat sandwiches taken from his saddle-bags. Then he rolled into his blankets and slept soundly, arising at the first light of dawn.

After searching the neighborhood, O'Day slipped out of his clothes and plunged into the cool water of the river. He swam strongly for a while, climbed out on a gravelly bar, and shook himself briskly. Long lithe muscles stood out on his gleaming white skin, and then O'Day whirled as his horse whinnied shrilly.

A skulking figure was creeping up on the horse through the underbrush. Terry O'Day ran to his discarded clothing, slipped his pistol from the scabbard, and sent a shot roaring into the brush. He smiled when galloping hooves told him that the would-be horse-thief had been frightened away, and after resuming his clothing, O'Day saddled his bay gelding and broke camp.

HE ARRIVED at Sutter's Fort on on the afternoon of the third day, and found the huge adobe building which housed his store, doing a rushing business. Picks and shovels were selling at ten dollars a piece, and Terrence O'Day had prepared well. Two consignments from ships had been freighted up the river before the announcement of the gold strike, and O'Day spent the night at his store.

Johann Sutter talked gloomily as he smoked a pipe with O'Day. "Dis gold strike, hein!" the stolid Sutter complained. "Mine men have quit to rush to the diggings. My cattle run wild, and the flour mill is closed!"

Terrence O'Day nodded sympathetically. The German-Swiss emigrant had labored unceasingly to develop the Fort which bore his name. The Mexican government had allotted him eleven square leagues of land, each league containing 4438 acres.

Johan Sutter had built the fort of adobe, and the walls were nearly three feet thick. His soldiers had been Indians, and most of them had deserted to go to the diggings. Sutter had named his kingdom: *"New Helvetia"*, and had bestowed upon himself the title of "Duke".

"Don't take it so hard, Duke,"

O'Day said quietly. "The miners will need wheat and grain, and plenty of meat. You should get rich!"

"Ach!" Sutter bellowed. "With every man rushing to the diggings to make his fortune yet. They will steal my cattle and sheep and horses!"

"I will talk to old Tom Houston," O'Day promised. "He is a cattleman from Texas, and you two might make a deal. His daughter is a pretty girl name of Betty Lou, and his son Colt is a good cowboy. I will see old Tom tomorrow, and send him over here!"

"Dot iss no good," Sutter said pessimistically. "They will be off to the diggings."

"Miss Molly Brannigan," O'Day said thoughtfully. "Have you seen her?"

"Yah, she was here yesterday," Sutter answered with a smile. "Riding a big gray horse who can run like the wind. She was very hungry," he added whimsically.

"You gave her food?" O'Day asked anxiously.

"Yah, I gave her food, and some to take with her," Sutter assured O'Day. "Already more as a thousand men have gone to the diggings," he said sadly. "I wonder what they will call the place?"

"Something will turn up to give it a name," O'Day answered confidently. "Now I think I will turn in and get a good night's sleep. I will leave early in the morning."

Johan Sutter said his good-night and went to his own quarters. Terrence O'Day slept in his own bed behind the big store, and the old storekeeper had breakfast ready when he called O'Day from his slumbers.

O'DAY ATTIRED himself in fringed buckskins for the trip to the diggings. With the wide-brimmed beaver-hat atop his curly hair, a pistol and knife in his belt, he mounted his fast horse and left the Fort before the sun was up.

Before noon he was passing weary travelers, many of them on foot. Chinamen and Russians; trappers from the Rockies, and gaily dressed Mexican *vaqueros* from the cow countries far to the south. When news reached the east, there would be a swarm of humans flowing across the plains like locusts, and O'Day smiled as he remembered that they would all require food, clothing, and tools. His three stores would do a land-office business.

O'Day was heading through the underbrush trails toward the river to make a noon-day halt. He quickened his speed when he heard a scream ring out, and then he spurred the bay into a swift gallop. He burst into a little clearing where a man was trying to jerk the reins of a saddled horse from a woman, and Terrence O'Day slid his horse to a stop and swiftly drew his six-shooter.

The gun roared thunderously, and the horse-thief dropped to the grass. O'Day raced forward with the smoking pistol in his right hand, and he shouted when he recognized Molly Brannigan. The wounded man stretched to his feet and then went to his knees when he saw O'Day's ready gun.

"Don't shoot, Mister O'Day!" he shouted. "I didn't do nothing really!"

"He tried to steal my horse," Molly Brannigan accused in he deep rich voice. "Will he—die, Terry?"

"I wounded him in the arm," O'Day answered carelessly. He stared at the culprit for a long moment. "You will be Joe McCloud," he said sternly. "And you tried to steal my horse yesterday morning!"

"I needed a grub-stake, Mister O'Day," McCloud whimpered.

Four horsemen raced up, and an older man took a lasso down from his saddle. He spoke briefly to O'Day, built a noose, and dropped it over Joe McCloud's head.

"We'll hang thiss hoss-thief right now," he said grimly; "to teach them others who are bound to come to the diggings."

"Just a minute, Houston," O'Day interrupted. "You're from Texas, and I hear they give every man a fair trial down there."

"That we do, Terry," the cattleman answered proudly, and he turned to the prisoner. "Are you guilty or not guilty?" he demanded.

"We will take him to the diggings,"

O'Day said firmly. "We will have a court, and a jury!"

"We will hang the thieving son here and now!" Tom Houston shouted angrily. "He tried to steal Miss Molly's fine horse!"

"He deserves a trial," Molly Brannigan sided with O'Day. "Terry still has his gun in his hand!"

Tom Houston stared at O'Day and reluctantly gave in. "We'll take the rustlin' son to the diggings," he agreed. "We saw his horse back yonder, but I'll keep my twine around his windpipe. Should he try to escape—?"

Young Colt Houston rode back and brought up Joe McCloud's sorrel horse. McCloud was hoisted to the saddle, and the little procession started for the gold diggings. They reached the camp about sundown, and red-shirted miners swarmed around them demanding an explanation. Terry O'Day called to a bearded miner.

"You, Tennessee Jackson. I heard you was chairman of the Miners' Committee. Choose a jury among you, and you will act as judge at this man's trial!"

"That I will, Terry O'Day," the miner agreed, and began to pick his jury.

2

Hangtown

TENNESSEE JACKSON sat on a keg behind a small table which had been placed in a freighter's wagon. Twelve bearded men sat on benches below the wagon, staring at the prisoner who stood before the crude bar of justice, his hands tied securely behind his back

A crowd of several hundred men surrounded the big wagon, and most of them were armed with rifles and pistols. Tennessee Jackson rapped for order with the butt of his horse-pistol.

"This Kangeroo court will come to order!" he said sternly, in his deep southern drawl. "The prisoner will face the court!"

Joe McCloud shuddered and turned to face Jackson. Jim Brannigan shouldered through the crowd and spoke loudly.

"I object, your Honor!" he bellowed. "A man does not have to convict himself!"

"Objection o v e r r u l e d; go sit down!" Jackson told the angry editor.

"Brannigan is right," Terry O'Day interrupted. "If it pleases the court, the witnesses should be called first, Your Honor"

There was no arrogance in O'Day's tone, and the judge nodded agreement. "Miss Molly Brannigan will take the stand," he called.

Molly Brannigan came forward reluctantly. The judge swore her in, and Molly swore to tell the truth and nothing but the truth.

"I was riding through the brush a half-day's ride from here," she began in her deep throaty voice. "Some one grabbed me, and tried to jerk the bridle reins from my grasp. Then Terry O'Day rode up. That is all I know!"

"Terry O'Day will take the stand!" Jackson announced, and repeated the ritual of swearing in.

"Joe McCloud was taking Miss Brannigan's horse," O'Day testified simply. "I shot him in the arm, then Tom Houston and his cowboys came riding up. We brought him here for a fair trial!"

Tom Houston was called to the stand, and gave his testimony. He played with his catch-rope, building a noose, and then shaking it out. The prisoner watched and seemed to shrink in stature.

"The prisoner will take the stand!" name and address!"

"Joseph D. McCloud, Yore Honor," the prisoner answered shakily. "I was born and raised in Texas, and I lived in Yerba Buena before it was San Francisco!"

"Are you guilty or not guilty?" the Judge asked sternly.

"I'll leave the country, Yore Honor!" McCloud promised earnestly. "I'll whip my pony down the hind legs going away, and I won't never come back. Honest, Judge, Yore Honor!"

"Guilty or not guilty?" the judge insisted.

"Your pardon for a moment," Molly Brannigan interrupted hesitantly. "Once long ago, another man was sentenced to death. A woman defended him."

"What did she say, this woman?" Tennessee Jackson asked curiously.

"The quality of mercy is not strained," Molly Brannigan quoted. *"It droppeth as the gentle rain from Heaven, upon the place beneath. It is twice blessed. It blesseth him that gives and him that takes!"*

Joe McCloud nodded and glanced expectantly at Tennessee Jackson. The bearded Southerner tugged at his mustaches for a moment.

"Joe McCloud, are you guilty or not guilty?" he asked sternly.

Joe McCloud seemed to droop as all hope fled. Then he raised his head and answered in a hollow whisper.

"Guilty, Yore Honor!"

Terry O'Day glanced surreptitiously at Molly Brannigan. She was watching the acting judge with her full red lips slightly parted, and tears welled up in her dark eyes. O'Day lowered his head and swallowed with difficulty.

Tennessee Jackson cleared his throat and addressed the jury gruffly.

"You have heard the testimony, gentlemen. You will retire and return with a true verdict. Court is recessed for five minutes!"

AS THE JURY arose and shuffled off to a tent to deliberate, Molly Brannigan came to Terry O'Day and clutched his arm.

"I'm sorry I didn't let him have my horse," she whispered. "Is there nothing we can do?"

O'Day shook his head, and turning, he saw Jim Brannigan glaring at him. O'Day released his arm and spoke softly to Molly.

"Your father is angry, Molly. I believe he's mad at me."

"For saving me from a horse-thief?" Molly asked, and then she bit her lip. "They will hang him," she whispered.

Brannigan came over and balanced his two hundred pounds solidly on wide-spread legs. For a moment he stared at O'Day, and his shock of iron-gray hair seemed to bristle.

"So you named a Kangaroo court!" he accused bluntly. "And you sent a man to his death!"

"I'm neither judge or jury," O'Day reminded his rival publisher. "If the verdict does not please you, you can appeal to the court."

"That whiskered old swamp-coon!" Brannigan said derisively, glaring at Tennessee Jackson.

The Judge arose and put aside the tail of his coat and addressed Brannigan with simple dignity, hand on his pistol.

"I heard your remarks , Mister Brannigan. Retract them instanter, or give me satisfaction, Sir!"

Jim Brannigan stiffened and then bowed from the waist. "You name the time and place, Jackson," he said arrogantly. "I shall await your pleasure!"

O'Day listened and felt a strange experience of comparison. Jim Brannigan was a cultured man, a man of education. Tennessee Jackson was a simple man of the South; his education had stopped at the third term of village school. Yet, his manners were better than those of Jim Brannigan who had attended college in England.

"I ask Terry O'Day to second me," Tennessee Jackson replied to Brannigan. "I will meet you at sunrise tomorrow at this spot, unless you care to make your manners in the meantime. Court is in session!"

He rapped on the table with the butt of his six-shooter as the jury filed back to their seats. Jim Brannigan was left staring with his mouth partly agape, and with the opportunity to answer his opponent denied to him. Tennessee Jackson looked long at a tall bearded miner who stood in front of his chair.

"I see your fellows have selected you as foreman, Kit Barston," Jackson said with simple dignity. "Have you arrived at a verdict?"

"We have, Your Honor!"

Kit Barston was sixty-odd, and his

shoulders were stooped with the manual toil of years; but there was a suggested strength to his rawboned frame and calloused hands, and in the somber expression of his deep-set eyes.

"What is your verdict?" Jackson asked, a trifle hesitantly.

"Guilty, Yore Honor," Barston said quietly. "The jury suggests that we make an example of this first case, to insure the proper respect for Law and Order!"

Barston sat down and clasped his hands on his bony knees. The other members of the jury stared at Tennessee Jackson with unwinking intensity. It was as though they were silently transmitting a message to the acting judge.

Tennessee Jackson studied for a moment, cleared his throat, and spoke harshly.

"The prisoner will arise and face the court!"

Joe McCloud pushed himself unsteadily from the keg on which he had been sitting. The color had drained from his sallow face, and he tried to wet his lips with a tongue gone suddenly dry.

"Joe McCloud, you have been found guilty by a jury of your peers," Jackson said sternly. "I hereby sentence you to be hanged by the neck until you are dead, and may God have mercy on your soul!"

A HEAVY SILENCE fell over the motley crowd. Here was no mob hysteria, or any savage thirst for blood—only a throng of men from all walks of life, and from all over the world. Groping for some cohesive force which might protect them from the forces of evil. Tennessee Jackson again spoke quietly.

"Tom Houston, you will do your duty. You will prepare the noose, while one of your men brings up the prisoner's horse!"

Houston had dropped the lariat with which he had been toying all during the trial. He stared at Tennessee Jackson as though he could not believe his ears, and then the Texan clamped his jaws tight. He spoke in a husky whisper to his son, young Colt Houston.

"Fetch the prisoner's hoss, Colt, and be quick about it; you hear me, boy?"

Colt Houston was twenty-two, tall and strong, and always ready for fight; but this was somehow different. He swallowed with difficulty, pleaded with his eyes, and then jerked his head.

"Like you said, Pa," he muttered hoarsely. "Coming right up with one sorrel hoss!"

Colt Houston shouldered his way roughly through the crowd, and the rough men understood. He almost knocked a big Swede down, but Ole Thorsen caught his balance and patted the cowboy roughly on the back. No word was spoken; none was necessary. A duty had to be performed.

Colt Houston jumped his own horse without touching boot to the stirrup. He roared down the dusty lane, pulled the slip-knot to free the sorrel tied under a cottonwood, and led the animal back to the big freight wagon by the bridle reins.

Houston spoke gruffly to one of his cowboys. "Jim, you and Maverick boost the prisoner to his saddle!"

The two cowboys gripped Joe McCloud by arm and buttock and lifted him high to set him astride the sorrel. Houston glanced at young Colt, pointed with his rugged chin at the cottonwood under which the sorrel had been tied, and turned to address the judge.

"We are ready, Yore Honor," he said in a muffled whisper. "It is yore bounden duty to say—the *word!*"

JACKSON STOOD up and spoke to the jury. They followed him as he led the way to the giant cottonwood. Young Colt Houston rode behind leading the condemned man's horse, and Molly Brannigan came to Terry O'Day and buried her face in the shoulder of his buckskin jacket.

"I can't watch it, Terry," she said chokingly. "Please hold me very tightly!"

She became quiet as his strong arms enfolded her, and Terry O'Day re-

moved his wide-brimmed beaver hat. The procession stopped under the cottonwood, and Tom Houston made a practised cast to drop his rope over the huge limb above the prisoner's head.

Joe McCloud shuddered and then straightened his sagging shoulders. Tom Houston stepped forward and slipped the noose over the prisoner's head. He fitted the hondo behind McCloud's left ear, stepped back, and nodded to Tennessee Jackson.

The judge cleared his throat and spoke in a hushed whisper.

"Have you anything to say, Joe McCloud?" he asked.

"I had a fair trial, and I'm guilty, Yore Honor," McCloud answered in a clear far-away voice. "I ain't fitten to die, but I'm ready!"

Tennessee Jackson closed his eyes for a brief moment. Then he faced Houston and spoke sharply.

"Slap that sorrel with your hat!"

Tom Houston did not take time to think; he obeyed automatically, and his sombrero whacked against the flanks of the sorrel. The horse leaped ahead to snatch the support of the saddle from under the condemned man, and Joe McCloud went to meet his Maker.

An elderly woman ran from a long tent, an old-fashioned sunbonnet tied under her chin over her almost white hair. She stopped with a gasp when she saw the swinging figure of Joe McCloud dancing on air, and Terry O'Day called to her gently.

"Don't go down there, Ma!"

Ma Barston glanced at him, straightened her shoulders, and held her head proudly. Then she walked slowly to the group surrounding the cottonwood tree. Tennessee Jackson turned to meet her, hat in hand.

"You and Molly Brannigan are the only women in this camp," he said in a hushed whisper. "I speak for every man in the diggings when I assure you that you both will be treated with every respect. Now please go away. Ma Barston!"

Ma sniffed and stared at her husband who had acted as foreman of the jury. Then she allowed her sharp eyes to run down the line of jurors, and every man twisted with embarrassment. Ma Barston finally stopped to stare hard at Judge Tennessee Jackson.

"I reckon you men done yore duty as you seen it." she said slowly, her tones a trifle nascal "Just wanted to remind you all that what you have just done has given this diggings a good name. From now on, where ever men ride or walk, this place will be knowed as—*Hangtown!*"

Terry O'Day listened and almost stopped breathing. Even Jim Brannigan forgot his differences with Tennessee Jackson, but the crowd was more articulate. They threw their hats high in the air as ringing shouts pealed from their lips.

"Hooray for Hangtown! Good ole Hangtown!"

Her duty done as she saw it, Ma Barston turned with dignity and stalked back to her tent. She stepped inside, re-appeared with a large board on which some crude lettering had been painted with a scraggly brush, and hung it up on the front tent pole. Then she rang a large hand-bell and stepped back into the tent.

"Look, Molly," O'Day whispered to the girl beside him. "Ma is open for business; she's hung out her shingle."

Molly Brannigan raised her head and spelled out the sign.

"Eating House. Meals three dollars per each!"

"I'm not hungry," Molly said faintly, and again she grasped Terry O'Day's arm. "Can't you do something about Tennessee Jackson and Father?" she pleaded.

"You go to my store," O'Day suggested. "I'll do what I can, but you know old Jim!"

MOLLY NODDED and hurried to the long board structure which housed the O'Day Mercantile Company. Terry walked to the hang-tree in time to hear Jim Brannigan speak gruffly.

"You'll have to do something about this, Jackson!" Brannigan told his challenger. "Joe McCloud won't be the last to die on the Hang-tree, and he died with his boots on. The town

will need a Boothill in which to bury the condemned, and you are chairman of the Miners' Committee!"

"Your suggestion is took in the spirit you meant," Jackson said quietly. "Two of you men cut down the corpse." He glanced around the low hills and pointed to one several hundred yards from the main camp." "How about yon hill for our graveyard?" he asked hopefully.

"As good as any," a tall man answered quietly. "Me and Swede Thorsen will dig the grave, and we'll bury him in the light of the moon!"

"I'm not above doing my part!" Jim Brannigan said gruffly. "I'll get my shovel and help!"

O'Day listened and felt a new respect for his rival publisher. This was not the time or place for talk, and he watched the three men go to their tents to get picks and shovels. His eyes widened when Tennessee Jackson joined the three men with a pick in his calloused hands, and O'Day turned away and walked into Ma Barston's tent.

"You will sit at the head of my humble board, Mister O'Day," Ma Barston greeted him, and pointed to the one empty chair at the long table. "All meals are cash at the graveside," she announced, and then bit her lower lip. "May he rest in peace," she whispered contritely.

Dinner was almost over when Ole Thorsen came rushing into the tent with something gleaming in his upheld hand.

"We bane have to make a new Boothill!" the big Swede shouted excitedly. "We struck it rich in Dead Man's Gulch, and the four of us staked out our claims!"

"Gold!" Kit Barston yelled, and rushed from the tent.

Terry O'Day took the huge nugget from Swede Thorsen's grimy hand. "That chunk will weigh onto a pound, Ole," he told Thorsen. "What about Tennessee Jackson and Jim Brannigan?" he asked slowly.

"We are all partners!" Thorsen shouted. "By Yimminy, the Yudge and Yim Brannigan were hugging each other when I ran away to tell the news. We are all rich, Terry O'Day. Rich, by Yumpin' Yimminy!"

3

The El Dorado Journal

JIM BRANNIGAN watched as a group of men toiled laboriously to unload some heavy crates from two huge freight wagons. Brannigan had printer's ink in his blood, and one glance had told him that Terrence O'Day had again stolen a march on him. The crates were being unloaded behind O'Day's store, and Brannigan recognized the old hand press which had formerly printed the *Argonaut* in San Francisco.

O'Day was supervising the work with the help of slender John Morgan, who had run the shop in San Francisco. Brannigan had forgotten all about his own newspaper, the *Courier*. The claims in Dead Man's Gulch were producing unguessed riches, and Jim Brannigan told himself that he was no longer young, that his newspaper could wait until he had made his pile. But an overwhelming curiosity drew him toward the old printing press, and his rival.

"Good morning, Terrence O'Day," he said with a trace of his old arrogance. "I will dig the precious metal, and you can tell the world about it!"

"Fair enough, I'd say," O'Day agreed. "The first issue of *The El Dorado Journal* will be published tomorrow!"

"You are a young fool, Terrence O'Day," Brannigan declared. "There's gold here for the taking, and you print a newspaper!"

"And I sell merchandise," O'Day corrected. "I wouldn't trade my store for your claim, but I wish you luck. Easy with those rollers, men." He turned back to Brannigan. "Tell the men to watch tomorrow's paper for an important advertisement," he said quietly.

Brannigan grunted and went up the hill to his claim. His shoulders were becoming stooped, and lust for gold was changing the quiet steady expression of his gray eyes.

Hangtown was now a month old, and gold was collecting in the buckskin pokes and coffee cans of the hard-working miners. Some had failed to strike it rich, and they worked for their more fortunate companions for twenty-five dollars a day. Most of the claims were in the gravelly bed of the North Fork of the American River where men toiled with pick and shovel to fill crude sluice boxes with gold-laden gravel.

Brannigan stopped at his claim and watched Tennessee Jackson filling a sluice box. There was an enduring patience about the bearded Southerner, and Brannigan touched the sweating miner on the shoulder.

"Rest a bit and get back a bit of your own, Tennessee Jackson, my friend," Brannigan began heavily. "It has been almost a month now since I called you out of your name. I've been balking and shying at doing the needful, but the sweat of my face has taught me a measure of manners. I'm saying I'm sorry for my actions, and if you can find it within your generous nature to offer me forgiveness, I'd like to press your hand in friendship!"

Tennessee Jackson pursed his bearded lips and spat a stream of amber into the gravel. His lips parted with amazement, and then he threw aside his heavy pick. His right arm started a sweeping stroke, and his calloused palm wacked loudly against the outstretched hand of his former enemy.

"Dad-burn my sin-sick soul!" Jackson whooped. "I knew you had the stuff to do 'er, Jim. There's my hand, and all my liking goes with it. Press the flesh, you big Mick, and I'll whip the unmannerly Son who says you ain't all man!"

Jim Brannigan gripped his partner, his tanned face beaming with pleasure. Swede Thorsen came running to listen, and called to Tex Guthrie to come a-running. Then all four men shook hands with enthusiasm, and Brannigan told the news about Terry O'Day and the first newspaper for Hangtown.

"And time it is for a newspaper," Tennessee Jackson said soberly. "A lawless element is coming to Hangtown, gents!"

"You mean John T. Thompson," Brannigan added quickly. "He's set up a gambling place, and he makes more than the miners!"

"Black-Jack Thompson!" Tex Guthrie corrected harshly, and he tugged at his tawny cowhorn mustaches. "Thompson runs a crooked game, and there will be work for the Miners' Committee again, you mark my words!"

"Every man to his calling," Brannigan said thoughtfully. "It isn't the gambling I mind; a man spends his gold as suits him best. This Thompson is a politician, and unless we watch him close, he will take over the camp!"

"TERRY O'DAY will do something," Jackson spoke up confidently. "Terry should be the Mayor of Hangtown!"

"He should have opposition!" Brannigan said sharply. "I'll run against him for that high office!"

"You weren't cut out for this rough diggin', Jim," Tennessee Jackson said slowly. "You should be runnin' your newspaper."

"With all this raw gold?" Brannigan demanded truculently. "I'll do my share of work," he added resentfully.

"You and me is friends, Jim," Jackson explained patiently. "You could hire a man to do your work, pay him from your share, and we four would still share and share alike!"

"Something in what you say, Tennessee," Brannigan murmured. "I mean to move my press, but I thought Molly could run the paper."

"Hangtown ban no place for woman," Swede Thorsen interrupted.

"Terry will look out for Miss Molly," Jackson said.

Brannigan bristled. "I can look after my daughter without help," he answered gruffly.

"I was thinking of that hoss-thief we hanged," Jackson reminded Bran-

nigan. "Terry rescused her that time."

"With the help of Tom Houston and his cowboys," Brannigan retorted. "I was struck with gold-madness," he admitted manfully. "I came by river, and Molly rode her horse around the trails. Well, we will get no gold out of the ground standing here!"

He seized his pick, but Tennessee Jackson put out a big hand. "You better get back to town, Jim," the lean Southerner suggested. "Have a talk with O'Day about this Black-Jack Thompson. Between the two of you, it should be easy to find a way."

"I want no truck with O'Day!" Brannigan said angrily. "I'm twice his age, but my experience means nothing to that young upstart!"

"He's a man of rare judgment," Jackson argued. "A man of control, was you to ask me. You're showing the strain, Jim, old friend. Go back to town and keep your ear to the ground. It's *our* town, you know."

"You other two," Brannigan addressed Thorsen and Guthrie. "You agree with Tennessee?"

"That's right, Jim," the tall Texan answered readily.

"Ya bet ya," Swede Thorsen made it unanimous.

"I'll find out what I can," Brannigan muttered, and left the river bed to return to town.

Brannigan had set up a roomy tent on a bit of high ground above the river. He was placing his pick and shovel inside when the sounds of hooves attracted his attention. Molly was coming toward the river, but Brannigan's eyes darkened when he recognized the man riding with his daughter. Before he could speak, Molly called to him.

"Dad, have you met Mister Thompson officially?"

JIM BRANNIGAN spread his boots and studied the man on horseback. Thompson would be about thirty, six-feet tall, and undeniably handsome. A small black mustache shadowed his upper lip, and lent a devil-may-care expression to his strong smooth face.

"I'm mightly glad to know you, Mister Brannigan," Thompson said cordially. "Miss Molly has been telling me about you."

"And now perhaps she will tell me something about you," Brannigan answered, almost rudely. "Aside from the games of chance you run, what is your interest here in Hangtown?" he asked bluntly.

Thompson smiled, but his dark eyes showed his resentment. "There is much to interest me here," he said coldly. "Of course, like yourself, I came mostly for gold!"

"Have you staked out a claim?" Brannigan asked.

Thompson shrugged. "Why should I?" he countered. "Has Terry O'Day staked out a claim?"

"He has that," Brannigan answered sharply.

"I haven't seen him working at it," Thompson retorted. "Frankly, I'm not a miner, but I'll get my share of the yellow metal!"

"Mr. Thompson and I just had a nice ride along the river," Molly said, in an effort to change the subject. "Every one else is busy digging, and Terry is setting up his press for the paper."

"Yes," Brannigan said gruffly. "Which reminds me, Molly. I'll be leaving for San Francisco in the morning, and you are going with me. We will see about moving our press down here, and you will be busy getting the news."

"Oh, Dad, I'm so glad," Molly said happily. "And it is a good thing you made up your mind when you did. Terry offered me a job as reporter on the *El Dorado Journal*, and I was going to accept!"

"Thank you for a very pleasant morning," Thompson interrupted swiftly. "Now I better get back to town and let you and your father make your plans. I'm glad you are coming back to Hangtown. I'll be seeing you," and tipping his sombrero, he rode away.

"I don't like that fellow," Jim Bran-

nigan declared flatly. "He boasts that he will get the gold that honest men dig out of the ground. Did he say anything to you about politics?"

"Well, now that you mention it, he did say Hangtown should be organized," Molly admitted. "He is going to run against Terrence O'Day for Mayor."

"He'll never get the office!" Brannigan said flatly. "I am filing my papers for that office!"

"You, Father?"

"And why not? I've had wide experience in city government, and I've lived twice as long as Terrence O'Day!"

"Yes, you have," the girl agreed. "Terry is only twenty-six, but he is very mature!"

"Black-Jack Thompson is also mature," Brannigan growled, and his eyes narrowed when he saw the flush which stained his daughter's pretty face. "Perhaps you had better stay in San Francisco," he added.

"I won't stay there!" Molly contradicted with spirit. "I am of legal age, and if you get difficult, I can earn my own living working for the *El Dorado Journal*. Well?"

"I ought to shake you until your teeth rattle!" Brannigan roared, and then his stern face softened. "I'm sorry, my dear," he murmured. "You are your own boss, and you will do as you like."

"That's why I love you so much, Daddy," Molly Brannigan murmured, and she reached down to kiss her father. "Please, I want to work with you on the *Courier*, right here in Hangtown!"

"'Tis the gift of Blarney ye have," Brannigan said gently, but now his eyes were twinkling with affection. "And the beauty of your Spanish mother," he added wistfully. "You will prepare us some dinner, *Chiquita mia?*"

"You still miss Mother very much, don't you, Daddy?" Molly asked. "I'll put up my Mickey horse and get dinner right away."

BRANNIGAN winked rapidly and hurried away to fetch a pail of water. Molly's mother had been gone for almost ten years, but he would always miss Dolores who rested in old Monterey. Molly was much like her Mother had been, except for the Irish which she had inherited from big Jim Brannigan.

"Perhaps we can buy some supplies in San Francisco," Molly suggested, as they ate just outside the tent. "Supplies are very high here in Hangtown. Bacon is a dollar and fifty cents a pound, flour fifty cents a pound, and dried peaches a dollar. We could bring some food supplies back in the freight wagons."

"Who is charging those kind of prices?" Brannigan demanded.

Molly flushed and answered with a frown. "Terry O'Day for one," she answered. "Freight rates are so high, and not many ships have stopped at San Francisco."

"I don't know which is the worst," Brannigan growled. "Black-Jack Thompson robs the miners at his games of chance, and Terry O'Day robs them for the food they need!"

"But there is so much gold," Molly said hesitantly. "Many men just rushed here to the diggings with what they had on their backs. Terry planned carefully, and he opened his store here to do business."

"He's doing business, I'll say that for him," Brannigan admitted. "He had goods consigned to him from New York and Boston, and he unloads the ships and stores the supplies in his warehouse in San Francisco."

"We will have plenty of fresh meat," Molly said slowly. "Terry has made an agreement with Tom Houston and Johann Sutter. Sutter has plenty of sheep, cattle and hogs, and Terry is starting to build a storage building to insure Hangtown of a supply of fresh meat!"

"Thinks of everything, does he not?" Brannigan asked sarcastically. "Might I ask how much beef will be a pound?"

"A dollar a pound," Molly answered faintly. "They will bring it in fresh every day."

"A man could buy a steer for ten dollars a month ago!" Brannigan roared.

"Wages were fifty cents a day, a month ago," Molly reminded her irate sire. "Now the diggers get twenty-five dollars a day, and some of the miners make as much as a thousand dollars a day."

"Tell me," Brannigan said stiffly. "How much did Terry O'Day offer you to work for the *El Dorado Journal?*"

"Fifty dollars a day," Molly answered with quiet dignity. "Five days a week."

Jim Brannigan leaned back and sighed. "Your wages will be fifty dollars a day, Molly," he said reluctantly. "We will sell our paper for a dollar a copy, and Diogenes will search this camp in vain to find an honest man!"

"Terry will charge two dollars a copy," Molly explained. "Wages have gone up fifty times as much as they were. Terry says all things should be in proportion, and he has more than five hundred subscribers for his paper."

"If his rag is worth two dollars a copy, ours is worth as much!" Brannigan declared savagely. "When we return from the city, you go out and sign up every man in camp to take our paper!"

"I've got two hundred signed," Molly whispered.

"You have?"

Molly nodded her dark head. "I knew you'd bring up our press," she said with a smile.

Jim Brannigan stared at his daughter, and then he threw back his head and roared with laughter. "I might have known," he said between chuckles. "You talked to Tennessee Jackson and Swede Thorsen. You smiled pretty at Tex Guthrie, and then you swiveled things around to write your own salary. Molly, me love, you're a colleen after me own heart. Remind me after we make our fortune to take you back to the old country."

"But Daddy, why?" Molly asked. and her face showed her bewilderment.

"So's you can kiss the Blarney Stone," Jim Brannigan shouted at her, as he wiped the tears of laughter from his gray eyes. "You stay away from Black-Jack Thompson," he warned sternly, as a swift change came over him. "He's not your kind, Molly lass. Believe me, I know!"

Molly tossed back her head and smiled. "I can take care of your daughter, Jim Brannigan," she assured him. "Now I'll pack and get ready for the trip to San Francisco!"

4

Clash of Personalities

BLACK JACK THOMPSON puffed on a long cheroot as he rocked back on the heels of his polished knee-length boots, and surveyed the office of the *El Dorado Journal*. Thompson was a tall man, strong-willed and self-controlled, with the lazy grace of a mountain cat, and the courage of an eagle. His handsome sensitive face was smooth-shaven except for the wisp of black mustache on his upper lip, and his long-fingered hands were white and well-kept.

John Morgan looked up from the desk before him, well-littered with fragmentary copy for the next issue of the journal. Morgan was in his middle forties, of medium height and bulky in build, and he wore a green shade to favor his squinting eyes. He grunted when he recognized the gambler, and Thompson removed the stogie from his lips to ask a question.

"Is Terrence O'Day on the premises, neighbor?"

"He comes and goes," Morgan answered carefully, and continued to check his copy.

"Then I wil appreciate your attention," Thompson said, and his dark eyes expressed resentment. "I came to see about placing a running advertisement in your rag!"

"See the boss," Morgan clipped, and went on with his work. "I've little time for chit-chat!"

"Keep a civil tongue in your head, my man!" Thompson warned sharply.

"This sheet won't last long without advertising to pay the freight for the drivel it carries!"

"We'll make out," Morgan answered with a shrug, and without looking up.

Thompson took a step toward the printer, but he stopped instantly when a boot scuffed on the floor behind him. He wheeled swiftly to face Terry O'Day who was regarding him with disapproval.

"Good morning, Thompson," O'Day said brusquely. "You wanted to see me?"

"You are Terrence O'Day?" Thompson asked carelessly.

"I am, and you know it," O'Day answered in the same tone. "We don't publish drivel in the *Journal*, but we do mean to tell the truth as we see it. What's on your mind?"

"Every man to his own opinion," the gambler said with a shrug. "I want to run an advertisement. I run the games of chance as you know, and am adding a line of fine beverages. Live and let live, is my motto, and I thought you could do with some business!"

"You didn't give it much thought, my friend," O'Day answered steadily. "The newspaper is my baby, but I don't expect it to make me a fortune. As you are aware, I operate the O'Day Mercantile Company, with stores in San Francisco, Sutters Fort, and here in Hangtown. We are not accepting advertisement for saloons and gambling houses!"

"Then I'm wasting my valuable time," Thompson retorted. "I'll place my business with Jim Brannigan upon his return from the city."

He stopped and studied O'Day for a long moment. "You will accept political advertisements," he stated confidently. "I have one in my pocket, announcing my candidacy for the office of Mayor of Hangtown. I will buy a full page, so name the damage!"

"You can buy one column wide and six inches," O'Day said tersely. "I will use the same amount of space to announce my own candidacy, and my platform. The *Journal* runs four pages!"

"I'll settle for a half page," Thompson argued. "At double your regular rates!"

"One column, six inches!" O'Day repeated. "Leave your copy with Morgan, and our terms are cash at the graveside!"

"I could withdraw my candidacy, for certain valuable considerations," Thompson said suavely. "I control a certain element as you know."

"I know," O'Day agreed. "Name the valuable considerations you anticipate in return."

"Lay off my gambling place!" Thompson said quietly. "I saw your editorial in today's issue of the Journal. I don't like it!"

"You don't like it," O'Day repeated. "So?"

"So don't repeat the offence," Thompson warned. "The next time I will make it a personal issue!"

Terrence O'Day straightened his shoulders, and smiled with his lips. His dark blue eyes gave the lie to his smile, and his deep voice vibrated as he gave his answer.

"Make it a personal issue, now, Black-Jack. I said your games were crooked, and I'll say so again if my words are true when the *Journal* goes to press next Thursday!"

THOMPSON leaped like a cat and jabbed at O'Day's chin with his left fist. O'Day moved his head an inch to the left, blocked Thompson's right which followed through, and landed a straight right of his own flush to the gambler's jaw. The blow thudded solidly as knuckles met bone, and Black Jack Thompson grunted as his dark eyes glazed. Then he broke at the knees and slumped face-forward to the littered floor.

John Morgan kicked back his chair and removed his green eye shade. He leaned across the prostrate man with his hand raised, and his index finger for a counter. Then he began a slow count as miners ran shouting to see the end of the sudden fight.

"Ten!" the printer finished his tally. "The loser by a knock-out in twelve seconds of the first round. . . Black Jack Thompson, former cham-

peen of the Pueblo of Los Angeles. Can I write this one up, Terry?"

"As long as you tell the unvarnished truth," O'Day agreed. "Perhaps you had better pull his stinger to keep him from getting killed!"

His voice was low as he indicated the gambler's six-shooter, but the light of battle still gleamed in O'Day's eyes. Morgan took the heavy pistol from Thompson's holster just as Tennessee Jackson came through the door.

"What's this black-leg gambler doing, Terry?" Jackson asked in his slow drawl. "Something the Miners' Committee should look into?"

"He objected to my editorial in this first issue of the *El Dorado Journal*," O'Day explained. "He took exception when I refused to carry an ad for his gambling house and saloon. The Miners' Committee can use its own good judgment!"

Black Jack Thompson twitched restlessly. Then he leaped to his feet, and his right elbow shoved the long tail of his broadcloth coat aside. The gambler's hand slapped for his holster and pawed air a time or two before he realized his loss.

"So you coppered your bet!" he taunted O'Day. "You are right handy with your maulies, but you shudder at the thought of hot lead!"

"No," O'Day corrected. "I just let you off easy this first time. I didn't want to kill you!"

"Return my weapon and kill me now!" Thompson snarled his challenge. "I can write my editorials with a six-shooter, and I can dot your eyes as well!"

"That will do, Black Jack!" Tennessee Jackson said sternly. "You came in here and started a ruckus, and you're dad-burned lucky Terry didn't kill you. Every man has the right to defend himself, but we don't hold with bullies and cold killers here in Hangtown. Now you think that over while I call a meeting of the Miners' Committee to consider your case!"

"I'll take my weapon," Thompson said stiffly. "There will be another time!"

MORGAN PASSED the heavy Dragoon pistol to Terry O'Day, who in turn handed it to Tennessee Jackson. The miner stuck the pistol down in the front of his pants, faced Thompson squarely, and spoke in a low drawling whisper.

"Git, you smooth-fingered Copperhead! You start a killing after the chance Terry gave you, and we'll decorate that hang-tree with you. On top of that, you ain't never seen Terry O'Day use that Navy pistol of his'n, or you wouldn't be so brash. Clear out before you git skotched!"

"You can have satisfaction when you have recovered your strength," O'Day said quietly. "I'm sorry I had to strike you!"

Black Jack Thompson performed an amazing about-face. A smile wreathed his handsome features as he thrust out his hand to O'Day.

"I accept your public apology, O'Day!" he declared heartily. "I'm not one to harbor a grudge when a man admits his fault and does the needful!"

Terry O'Day stepped back with his jaw sagging. Then his lips trapped together, and again the light of battle blazed in his dark blue eyes.

"All of friendship is based upon a mutual respect," O'Day said sternly. "Before I give you my hand in friendship, I'm waiting for you to make your manners. I'm sure you are sorry you came in here and attacked me without provocation!"

Thompson frowned, realizing that he had lost the advantage he had made for himself. Then he smiled and nodded his well-shaped head.

"I'm sorry I got to fighting my head," he acknowledged. "I respect your ability, and your quickness of mind. Does that square us away?"

"Even-Steven," O'Day agreed, and took the outstretched hand.

The gambler's grip surprised O'Day but he met it with one of his own. With his thumb-crotch jammed firmly against the grip of the gambler while each vised down with all the strength of their sinewy arms. It was Black Jack Thompson who raised his left hand in token of surrender.

"You've a man's grip, Terry O'Day," he said soberly. "I'll retrieve my hand now and it please you. I'll need it to deal blackjack with!"

Terry O'Day smiled and relinquished his grip. He was not so sure that there could be any friendship with the gambler, but he respected Thompson's strength and courage, and the facility with which the gambler adapted himself to circumstances. And with it, he knew that Thompson had all the qualifications necessary to the successful politician.

"Return Thompson's six-shooter to him, Tennessee," O'Day told Jackson. "This little incident is closed and he and I have reached a better understanding."

Tennessee Jackson grunted and plucked the heavy pistol from the band of his pants. He held the weapon by the long barrel and tendered it to Thompson who received it with a short laugh.

"Something funny?" Jackson dedanded.

"Always return a man's pistol the other way around," Thompson replied. "Then he can't grip the handles and shoot you in the belly. Like this!"

His long fingers wrapped around the pistol handles with his finger on the trigger. The weapon pointed at Jackson's middle, and then Terry O'Day's right hand moved so swiftly that the crowd only saw a blur. Now the Navy colt was covering the gambler who frowned with annoyance.

"Continuing the lesson in pistol manners, never point a gun at a man unless you mean to kill him," Terry O'Day advised sternly. "Pouch your weapon, Thompson!"

Black Jack Thompson holstered his six-shooter and attempted to change the subject.

"You carry a Colt caliber 36, don't you, O'Day?"

"And don't ever point a gun at me again!" Tennessee Jackson refused to allow the gambler to save face. "I'm like to take it away from you and do you a meanness, gambling man!"

"Sorry, Judge," Thompson murmured. "I meant no offense!"

"I'm not a judge!" Jackson snapped. "When there is need for a trial in this camp, one will be selected."

"Yes, this is a Colt .36," O'Day rescued the embarassed gambler. "It was made in 1845, about three years ago, and I carried it while I was with Captain Montgomery on the U.S.S. Portsmouth. It was a personal gift from the Captain. You are carrying a Paterson Colt, caliber .34, made in 1837!"

BLACK JACK THOMPSON nodded respectfully. Then he excused himself and left the unpainted building. Tennessee Jackson watched for a moment and turned back to O'Day.

"They's a lot of riff-raff and scum pouring into Hangtown," he complained. "Two sluice boxes have been riffled, and a miner complained that his dust had been stolen from his tent. We've got to do something about it, Terry!"

"We must be vigilant," O'Day agreed, and then his eyes lighted up with a steady and determined light. "That's it, Tennessee," he said tensely. "We've got to organize the men to be vigilant. We could call ourselves the Vigilantes!"

"You mean you'd belong?" Jackson asked to make sure.

"I certainly will," O'Day declared earnestly. "Do it this way, Tennessee. Talk it over with your partners, Guthrie and Thorsen. Jim Brannigan is out of town, and you could meet in my store at sundown. Pick your men carefully, post guards, and swear each man to secrecy!"

"We'll need law, that's shore and sartin," Jackson agreed. "I'll circulate now, and call the meeting for seven tonight!"

Terry O'Day shook hands with Jackson and they left the printing office. The two clerks were busy in the store, and Jackson stopped to look at a heavy tool which had been advertised in the first issue of the *Journal*.

"A cradle, you called it," Jackson

said to O'Day. "How does it work?"

"You shovel the sheet-iron box full of gravel," O'Day explained. "Then you allow the water to run in while you rock the cradle thus. You get rid of the rock and rubble, and the dust and gold stays in the bottom!"

"Who invented that contraption?" Jackson asked admiringly. "I'll take one!"

"I had a hundred of them made at Sutters Fort," O'Day admitted modestly. "Fifty dollars apiece, because wages are high."

"How about your own claim?" Jackson asked. "Have you done any digging?"

Terry O'Day threw back his head and laughed. "I had to protect myself," he admitted. "I've three clerks in the store, and two printers in the shop. Each man gets a day off every week, and Sundays. We work the claim on our days off, but fortunately for me, up to now the men have only made day wages. Else they'd quit me and keep on digging."

"Black Jack Thompson," Jackson changed the subject abruptly. "I don't trust that gambler, Terry. He's quick in his mind, and he's fast with his hand. Does he stand a chance to be elected as Mayor?"

"That's up to the miners," O'Day answered gravely. "Perhaps you could speak to them, and don't forget that Jim Brannigan would make a mighty good Mayor for Hangtown!"

"He's my partner, but you'd make a better," Jackson maintained. "Jim was a gentlemen in the old country, and he never forgets it. He thinks he is better than us common folks, and mebbe so he is."

"Jim is a bit arrogant, but he's the soul of honesty," O'Day defended his absent rival. "I'll give him my full support!"

"There's several heathen Chinese in town," Jackson said thoughtfully. "We can't let them in the Vigilantes, but can they vote?"

"Every man should have a right to vote," O'Day declared earnestly. "You see your partners, and then the three of you circulate and invite the man you choose to the meeting tonight. I'll work out some by-laws and rules for approval, but we must have some semblance of Law and Order here in Hangtown!"

"That's whatever," Jackson agreed fervently. "I'll see you at seven, and I'll stop down at Ma Barston's and get old Kit out to working. And Terry?"

"Yeah, Tennessee."

"We're a goin' to elect you Mayor of Hangtown, just in case you want to get a speech ready!"

5

The Vigilantes

TENNESSEE JACKSON stood up and looked about the big store building. He rapped on a counter with the butt of his six-shooter, cleared his throat as his gnarled hand stroked his long beard, and then he spoke gravely.

"Tom Houston, are the guards in their places?"

"Yes, Your Honor!" the Texan answered promptly. "We kept the riff-raff out like you said!"

"Then this meeting of the Miners' Committee will come to order!" Jackson said soberly. He paused to scan the serious faces of the hard-working men who awaited his words. Adventurous men from Ohio and Kentucky; from New York and Boston. Russians, Swedes, and Germans. Men from all over the world, attracted by the magnetic force of Gold.

"We need an organization to preserve Law and Order in this camp," Jackson said quietly. "Like most of you know, I'm no great shakes at talking purty. I'm going to ask Terry O'Day to talk to you!"

O'Day came forward and studied the faces of his companions. A hundred-odd men were watching him, and waiting for him to speak. All were armed with pistols and knives, and the marks of their toil was upon them to unite them with a common bond.

"There are two thousand men in Hangtown now," Terry began. "Most of us work hard, but now we have many loafers who have come to live upon your toil. Two sluice boxes

have been robbed, and one miner was robbed of his savings from his tent. As I told Tennessee Jackson, WE MUST BE VIGILANT. And so we are gathered here now to form an organization to be known as *The Vigilantes!*"

A deep gusting sigh went up from the silent audience as shaggy heads nodded approval. Men shifted their feet and nodded as they glared at their neighbors.

"He's a smart one, and honest, that Terry O'Day!" a big German whispered loudly. "Tell us more, O'Day!"

Terry smiled and then became sober. He explained that every man who joined the Vigilantes would be sworn to secrecy, would take an oath, and would pledge himself to help put down mob violence. Every accused man would be assured of a fair trial, and every Vigilante would be in effect, a member of a powerful and secret police force.

"It will be necessary to use strong measures," O'Day declared. "When we catch a thief, and prove his guilt, we must make an example to warn other thieves of their fate if they transgress the laws!"

Swede Thorsen jumped to his feet, a huge man of six feet four inches. His round placid face was now expressive with excitement, and his deep voice was a bull-like roar as he made the first motion of the new Organization.

"I ban name Terry O'Day for bossman of the Vigilantes!" Thorsen roared.

"I second that motion!" Tennessee Jackson bellowed and the crowd surged to their feet.

"Three cheers for Terry O'Day, Chairman of the Vigilantes!"

O'Day gasped as the men roared his name. Then he came forward again and held up his hand.

"I accept the office, and all the responsibilities which it carries with it," he said quietly, and the years seemed to come suddenly to add to his maturity. "Now you will all turn in your signed pledges to John Morgan, who will act as Secretary until one has been duly elected. We will meet right after you have taken the oath, and will conduct our first business meeting!"

It was a strange and bizarre meeting in the rough store of a still rougher camp. But the hundred men were deadly serious, and there was no levity among them. When John Morgan announced that the applications had all been properly filled out, he asked Terry O'Day to give the pledge.

Terry O'Day read from a paper, and bearded men nodded entire approval. With life and property unguarded while men went about their daily toil, any man convicted of robbery or murder was to receive the death sentence. Each man was given a number, and would drop what he was doing when summoned to serve.

TOM HOUSTON came forward after the oath had been administered. He too stared at his companions before speaking. Every man watched the cattleman with intense interest. They listened in silence when Tom Houston began to speak.

"My boys have two thieves," Houston said gravely. "One was caught redhanded stealing the dust from a sluice-box. The other was caught in Hank Turner's tent, and he had Hank's poke of gold in his shirt!"

Houston glanced suggestively at O'Day and sat down. Terry rubbed his smooth chin with a steady hand as he faced the expectant crowd.

"We will meet at the freight wagon at eight in the morning," O'Day announced. "Choose a judge and jury from your numbers, and be prepared to hold back the mob. This meeting is adjourned!"

The crowd dispersed and went to their separate shacks and tents. Terry O'Day worked until midnight in his printing shop, and he ran to the door when a horse galloped down the dusty street and stopped at his door.

"Terry!" a feminine voice called excitedly. "Let me in!"

O'Day opened the door as Molly Brannigan tied up her horse. The girl was excited and seized him by the arms.

"Father and I were robbed, Terry!" she sobbed. "We were only about

twenty-five miles from here when two masked men stopped us. Dad tried to draw his pistol, and one of the robbers clubbed him over the head with his gun!"

"That means work for the Vigilantes!" O'Day said sternly. "Did you recognize your assailants?"

"I left Dad after he recovered consciousness," Molly explained hesitantly. "He was going on to Sutter's Fort to get the Indian soldiers. Yes, Dad recognized one of them!"

"His name!" O'Day demanded. "Who is the fellow?"

"He was working for Mister Thompson," Molly admitted slowly. "He's a big man with wide shoulders, wears two guns, and rides a tall roan gelding!"

"That's Faro Barnes!" O'Day declared harshly. "The other man?"

"He was short and stocky," Molly said weakly. "He talked with a queer accent, but neither father or I knew him. We were taking the gold to San Francisco that Father and his three partners had mined, and they took it all!"

"How much gold?" O'Day asked coldly.

"Two hundred ounces," Molly whispered. "Four men worked a month to save that gold!"

"You better stay with Ma Barston tonight, Molly," O'Day suggested. "We formed a new organization tonight to preserve law and order. Now I must call the committee together!"

"With all the gold in the tents, no one will be safe," Molly whispered. "Will they hang the robbers?"

"They will get a fair trial!" O'Day promised sternly, and now his handsome face was hard as granite. "You'll stay with Ma Barston, and promise not to spread the news?"

"I promise, Terry," Molly answered. "It's only fair to tell you that Dad and I will start our paper when our press gets here from San Francisco!"

"Of course," O'Day agreed promptly. "And there never was a more honest editor than big Jim Brannigan!"

"You'll find time later to ride some with me?" Molly asked softly.

For a moment it seemed as though Terry O'Day was going to kiss the girl, and Molly Brannigan watched expectantly. Then he squared his shoulders as he thought of the task ahead.

"Later, I'll ride with you a great deal, Molly love," he answered tenderly. "Now I must hurry."

HE LEFT the office and saddled his horse which stood in a small corral. Then he roared away toward the river, and a few minutes later he called guardedly at the tent where Tennessee Jackson and Swede Thorsen were sleeping. Tex Guthrie pulled on his boots and came to listen, and O'Day told of the robbery by the highwaymen.

"I'll get Tom Houston," Jackson said quietly. "Then we'll notify the members of the Vigilantes. We'll make Hangtown safe, or none of us will rest in our beds!"

"Tell Tom to bring young Colt and meet me at the Printing office in an hour," O'Day said grimly. "Black Jack Thompson has opened up his tent saloon, and there might be a fight!"

"I like a drop of licker now and again," the lanky Southerner drawled softly, "But that's a bad crowd up there at the *'Dew Drop Inn'* that's what Thompson calls his swill trough. We'll need twenty men to take Faro Barnes, and we might not take him alive!"

"We'll take him, and that short pard of his," O'Day said quietly. "Pass the word among our men, and meet me at the *Journal* in an hour!"

IT WAS the ghostly hour of just past midnight, and the weary miners were sleeping the well-earned sleep of honest toil. Swede Thorsen went up the river, while Tex Guthrie took to higher ground to notify the men who were working the pockets among the rocky hills.

Terry O'Day returned to his printing office and found John Morgan busy setting type. O'Day sat down at his desk and began to write with a quill pen. His crisp curly hair shone like spun copper in the yellow light

from the coal-oil lamp, and his handsome face was sober as he wrote a stirring editorial.

"We'll run an Extra after the trials tomorrow," he said to John Morgan, and then he arose as scuffing boots sounded outside near the door.

Tex Guthrie nodded at the six men who stood against the building with heavy rifles in their gnarled hands. Loaded pistols were prominent in buckskin scabbards, and Guthrie pointed with his chin at a lighted tent far down the winding dusty street.

"They're a whooping it up down there at the saloon, Terry," he said quietly, but his voice held that deep threat which comes to hard-working men when they are deeply aroused.

"I had a sample of that fire-water Thompson is dispensing over his counter," a bearded digger remarked. "Off-hand, I'd say it's spiked plenty with cut plug tobacco and cayenne pepper. It means trouble, Terry!"

O'Day nodded and waited until Tom Houston rode up with young Colt and two other cowboys. All were heavily armed, and all four carried lariats on their saddle-horns. Then O'Day called the men to circle around him while he explained his plans like a General who has figured out his strategy.

From time to time, other men joined the group and briefly gave their numbers. Tennessee Jackson took a count and said they numbered twenty-four. O'Day nodded and picked big Swede Thorsen, the two Houstons, and Tennessee Jackson to accompany him.

"We will make the arrests," he explained simply. "You other men surround the place with fingers on your triggers. Let's go!"

They did not march in a body to the tent saloon. Such a procedure might have warned the revelers in the saloon, and Terry O'Day was counting on the element of surprise. The Vigilantes drifted down the street in pairs, veered left and right to surround the lighted tent, and took their stations in the outer darkness.

Terry O'Day mounted his horse and rode with the cowboys. They walked their horses down the street in the ankle-deep dust, stopped near a bosque of aspen, and tied up. Pistols were loosened in holsters, and as they moved up to the tent, they could hear the stealthy tread of heavy boots closing in behind them.

Tom Houston and Tennessee Jackson walked shoulder to shoulder with O'Day in the lead. O'Day stepped into the tent and stopped a moment to shed the light from his eyes. He did not see tall Black Jack Thompson at the far end of the bar, and the gambler dropped his right hand and swiftly drew his six-shooter.

Terry opened his eyes and scanned the long bar; it consisted of four heavy boards resting on wooden trestles. Two bartenders were busy dipping whiskey from a big barrel with tin cups. Men of all breeds were drinking, and demanding service.

Thompson stood before a pair of small scales, weighing the gold-dust and nuggets offered in payment for his wares. The gambler's voice was sharp as he spoke to O'Day.

"Hands up, O'Day! I've got you covered!"

Tom Houston and Tennessee Jackson separated and stepped apart as the gambler gave his order. Tex Guthrie and Swede Thorsen stepped in behind them, and four rifles covered the tall gambler's broad chest.

"Drop that gun, Thompson!"

IT WAS Swede Thorsen giving the order in his deep bellowing roar. The drinkers at the bar turned swiftly, reaching for their weapons. They stopped when a ring of rifles appeared under the drawn-up flaps of the long tent.

Thompson holstered his pistol and glared at Terry O'Day.

"What's the meaning of this assumption of authority?" he asked coldly.

"The meaning is Law and Order," O'Day answered quietly. "We came down here to make an arrest, Thompson. I am speaking for the Vigilantes of Hangtown!"

"You mean that mob behind you?" Thompson sneered.

"We have organized to prevent mob

violence," O'Day corrected grimly. He searched the many faces in the saloon, pointed to a tall man with long cowhorn mustaches, and spoke sternly.

"There's your man, Swede. Arrest Faro Barnes for assault and robbery!"

Faro Barnes stood four inches above six feet, and he had incredibly wide shoulders. Two heavy Dragoon pistols hung at his belt, with a long-bladed skinning knife at the back of his belt.

"I'm Faro Barnes!" he said with a sneer. "You hoodlums ain't arrestin' nobody!"

Tennessee Jackson turned his long squirrel rifle on the robber. He drew a fine bead on the big man's chest, and spoke to Swede Thorsen from the side of his mouth.

"Take him, Swede. I'll split his black heart if he so much as raises a finger!"

Swede Thorsen moved in with a pistol in his big right hand. He reached out his left hand and gripped Barnes by a shoulder. Whirled and pulled at the same time, and Faro Barnes was jerked behind Tom Houston and Tennessee Jackson.

A short stocky man jumped from behind the bar with a six-shooter in his hand. Tennessee Jackson pressed the trigger of his squirrel rifle, and Shorty sprawled to the dirt with his pistol spilling from his hand. "The rest of you men stand hitched!" Tom Houston warned sternly. "Is there a Doctor in the crowd?"

A bleary-eyed man came forward. He wore a red flannel shirt, blue-jeans tucked down into hip boots, and a heavy beard from eye-brows to chin.

"I am a medical man," he said quietly, "but I am not practising my profession. You wish a verdict, Vigilantes?"

"We do, Doc," Terry O'Day answered quickly. "Is he hurt bad?"

The inebriated doctor leaned over the body and felt for a pulse. "He is not hurt bad," he said quietly. "Death was instantaneous. Shorty Sumners came to his death at the hands of a rifle fired by our esteemed judge, Tennessee Jackson. A libation, Mister Thompson, if you please!"

One of the bartenders filled a tin cup and passed it to the trembling Medico.

"Drink hearty, Doc Albers," Thompson said, with forced bravado. "And we ain't particular here in Hangtown. License or not, hang out your shingle and leave the digging to working men!"

"Sensibly spoken," Terry O'Day agreed. "We are sorry to have intruded on your pleasure, gents. There will be a trial at the freight wagon at eight in the morning. A hundred armed men will preserve law and order, and every man accused will be guaranteed a fair trial!"

"You call it a fair trial!" Thompson sneered. "I demand to know what Faro is accused of!"

"Armed robbery!" O'Day barked, and for a moment he showed his deep anger.

"Who was robbed and assaulted?" Thompson insisted.

"Not that it is any of your business, outside of court," O'Day answered bluntly. "But Faro Barnes robbed Jim Brannigan and his daughter Molly. He and Shorty Sumners took two hundred ounces of gold, and we mean to stop this business before it builds up into a habit!"

"They robbed Molly and Big Jim?" Thompson whispered, and his dark face twitched with anger. "Take him away," he ordered savagely. "And I want to say right here and now that I'll kill any man in this camp who harms a hair of Miss Molly's head!"

"Two of us will," Terry O'Day said quietly. "The trial will be at eight, gentlemen!"

Vigilante Law

HANGTOWN WAS observing its first holiday since the diggings had opened. Little groups of bearded, hard-faced men gathered to discuss the coming trial. All were heavily armed, and there was much muttering among the men who thronged about the tent saloon.

A table and chair had been placed in the bed of the big freight wagon. Two benches behind the wagon would provide seats for the jury. Tennessee Jackson had been chosen unanimously to act as judge, and he took his place behind the table with an expression of gravity on his seamed and bearded face.

A huge throng gathered around the wagon as the hour of eight grew near. Jackson glanced at a huge silver watch; the time was five minutes until eight. Twenty armed guards held vantage places on high ground, and they warned the curious away to a safe distance.

A bugle blew a call in the near distance. Every head turned toward the O'Day Mercantile Company store; the big front doors opened yawningly, and Terry O'Day stepped outside. He was followed by nearly a hundred men who formed a hollow square in columns of fours.

Two tall men stepped from the store and walked to the center of the hollow square which closed in about them. Both were four inches taller than six feet, but one of the men had both hands bound behind his back. The other man carried a drawn pistol in his big right hand.

"We are ready, Terry O'Day," Swede Thorsen said quietly.

"I'm ready," Faro Barnes said carelessly. "Just remember that every man is considered innocent until proven guilty beyond a reasonable doubt. Let's get this humbug over with!"

Tom Houston came out of the store with two smaller men. They were also bound, and they had none of the bravado of Faro Barnes. Terry O'Day raised his right hand, and his voice was clear and incisive as he gave a series of military commands.

"Atten-shun! Forward *March!*"

It was a ragged formation, but well organized. The hollow square proceeded down the dusty street with Terry O'Day in the lead. When some straggler in the crowd got in the way, the hollow square of armed men merely brushed that brash individual to the side without pausing.

Terry O'Day circled the wagon and came up to the rear. His voice rang like a bell as he gave his orders.

"Company! Halt. One-two!"

The Vigilantes stopped raggedly. Twenty men formed a smaller hollow square and surrounded the three prisoners. The rest of the Vigilantes withdrew to the fringe of the crowd and took their places with rifles at the ready, and six-shooters loose in their scabbards.

Faro Barnes looked about him, grinning at companions in the crowd. It pleased his sense of vanity to occupy the center of attention, but Swede Thorsen told him to sit down on a box in the prisoner's box Barnes scowled as he obeyed.

Tennessee Jackson stood up and cleared his throat. He held up a hand for silence. His voice was deep and resonant as he made an announcement.

"This is the first meeting and trial of the Vigilantes of Hangtown, Gents. We have more than one hundred members, and we are sworn to maintain some semblance of Law and Order. This Kangaroo court is now in session!"

John Morgan peered from under his green eye shade, studied a paper, and said: "Bide Connors will arise. Hank Turner will take the witness stand." He swore Hank Turner in, made some notes, and the miner stated his case.

TURNER TOLD of catching Bide in his tent with the can in which he kept his gold-dust. Tom Houston testified to finding the gold on Connors, who stared at his boots as he began to tremble.

Tennesse Jackson did not call the prisoner to testify. He excused the jury who filed away to the hang-tree, conversed for a brief time, and came back to resume their seats. Jackson asked if they had arrived at a verdict, and the foreman arose and said they had.

"We find the defendant, Bide Connors, guilty as charged!"

"Next case!" Tennessee Jackson said gruffly. "One Lem Samuels who has no visible means of support, was caught rifling the sluice box of miner Joe Murphy. Murphy will take the

stand!"

Before Murphy could mount to the wagon, the prisoner jumped to his feet and began to plead for mercy. He admitted his guilt, promised to leave the country, and burst into tears.

Tennessee Jackson stroked his beard and called Joe Murphy to the stand. The miner gave his testimony stolidly and sat down. Again the jury was excused, but this time they did not leave their seats. Bits of paper were passed to the foreman who read them and stood up.

"We the jury find the defendant, Lem Samuels, guilty of robbery as charged, Your Honor!"

The two trials had taken less than an hour. Faro Barnes leaned back and winked at friends in the crowd. Tennessee Jackson motioned for Terry O'Day to come closer, and the two whispered briefly. Jackson seemed worried, and then he cleared his throat.

"The trial of Faro Barnes will be postponed because the witnesses to his crime cannot be here," he announced.

A black-frocked stranger stood up and pushed his beaver hat to the back of his balding head. His face was thin and smooth-shaven, and he resembled an elongated scare-crow in his ill-fitting black broadcloth suit.

"If it please the Court," he said clearly. "I am counsel for the Defense. The name is Zachary Jones, Barrister!"

Tennessee Jackson stared at the tall lean lawyer, and Terry O'Day stood up. "The defendant is entitled to the benefit of counsel, Your Honor," he said slowly. "I myself will act for prosecution. I move for a postponement!"

"I object, Your Honor," Jones shouted. "This procedure is highly irregular, and I move for acquital because of lack of sufficient evidence to hold my client!"

Tennessee Jackson stroked his beard. "You will call their first witness," he told O'Day. "Miss Molly Brannigan to the stand!"

"I am sorry, Your Honor, but Miss Brannigan rode out at daylight," O'Day answered soberly.

"Call James Brannigan to the stand!"

This time it was Zachary Jones who spoke. The judge frowned and then called for Jim Brannigan. Terry O'Day scratched his head, and then he smiled as he caught a signal from a man on a little hill.

"May it please the court, the witnesses are comin," O'Day announced happily.

Zachary Jones frowned and sat down. Molly Brannigan galloped up with her father, and Jim Brannigan wore a bandage around his head. His shock of gray hair hung almost to his broad shoulders, and he dismounted and handed the bridle reins to a waiting Vigilante.

"Jim Brannigan will take the witness stand!" Jackson called loudly.

BRANNIGAN climbed to the wagon and placed his hand on the small Bible. He took the oath, glanced around at the sea of faces, and then he saw Faro Barnes. Brannigan started forward, but Swede Thorsen restrained him.

"That's one of the men who robbed me!" Brannigan shouted. "He took two hundred ounces in gold; in fact he took my saddle-bags!"

"You're a liar!" Barnes!" contradicted harshly. "You can't prove your lying words!"

"M i n d your tongue, B a r n e s!" Tennessee Jackson warned sternly. "You have proof?" he asked Jim Brannigan.

"Molly will corroborate my testimony," Brannigan answered gruffly. "And that big tin-horn buffaloed me between the horns with the barrel of his six-shooter!"

Terry O'Day questioned Brannigan, and Zachary Jones cross-questioned the witness. Then Molly Brannigan was called to the stand, and her testimony was the same as her father's. Jones smiled triumphantly.

"The prosecution has proved nothing!" he declared. "I move for acquital on the grounds that evidence produced is flimsy and insufficient!"

"I have another witness, Your Hon-

or," Terry O'Day said quietly. "Tom Houston will take the stand!"

The Texas cattleman took the stand and was sworn in. He spoke briefly of his knowledge of horses and of live stock. He said he could track down a horse from the prints made by its hooves, and told of studying the ground near the scene of the crime. Then he pointed as his son Colt led up a lean roan gelding.

"That horse was ridden by the tall gent who held up the Brannigans," Houston testified. "He's got a crack in the right fore hoof, and I found his sign all over the scene of the robbery!"

"I object, Your Honor!" Zachary Jones shouted. "Twenty men rode toward Sutter's Fort on the day of the robbery."

"I have three witnesses who saw me find that pair of saddle-bags you see behind the roan," Tom Houston continued.

"Those are my saddle-bags!" Brannigan shouted with excitement. "Where did you find them?"

"In Faro Barnes' tent," Houston answered calmly. "My son and two of my riders were with me at the time!"

"The Prosecution rests!" Terry O'Day said soberly. "Your witness, Counselor!"

Zachary Jones did his best to confuse Tom Houston. Then the lawyer addressed the jury, telling them of the weight which would be on their consciences should they convict an innocent man. They watched his saturnine face and listened attentively, and when Jones had concluded, Tennessee Jackson stood up.

"Gentlemen of the jury," he began: "You have heard the the testimony in this case of Faro Barnes, versus the People of Hangtown. You will retire and consider your verdict, and do not be hasty in making a decision. This court is in recess!"

The twelve men arose and retired to the shade of the hang-tree. Jim Brannigan shook hands with Tennessee Jackson and spoke his admiration.

"Where in time did you learn all this, Jackson?" he asked curiously.

Tennessee Jackson smiled and winked with his left eye. "I brought along one book to press flowers in," he confided. "It was a copy of Blackstone, and that's all I've had to read the past month. I didn't know what it's all about, but neither do those other gents, and it sounds good."

"I'm glad we will get our dust back," Brannigan murmured. "I was going to try to make good the loss myself!"

"Nuh uh," Jackson contradicted. "But we've got to do something, Jim. The gold will have to go to San Francisco, and armed robbers could let us do all the work, and then waylay us on the trails!"

"Put me down as a Vigilante," Brannigan whispered. "Yonder comes the jury!"

The twelve jurors filed to their seats, and Tennessee Jackson rapped with his six-shooter for order.

"This court is now in session!" he declared sternly. "Have you reached a decision, gentlemen?"

"We have, Yore Honor," a tall man answered, as he stood up. "We find the defendant guilty as charged, and we recommend the extreme penalty!"

Faro Barnes leaped to his feet, his face drained of color. "You can't do that!" he shouted. "I didn't kill any one! All I took was the gold, and you've got that back!"

"Order! Order in the court!" Tennessee Jackson shouted. "Out of his own mouth, the prisoner has convicted himself. You will arise and face the bench!"

FARO BARNES swayed and faced about. His wide shoulders were sagging, and in his gray eyes there shone a terrible fear.

"I hereby sentence you to be hanged by the neck until you are dead," Tennessee Jackson said sternly. "And may God have mercy on your soul, Faro Barnes!"

An angry roar arose from the crowd as the sentence was passed. Tennessee Jackson clubbed with his six-shooter for order. Then he swept his arm in a circle.

"More than one hundred armed men are watching you," he admon-

ished the sullen crowd. "We intend to set an example for all who might be tempted to follow in the footsteps of these convicted men. Henceforth, any man convicted of robbery in Hangtown will be hanged!"

He stopped to let his words sink in. Several men snatched for pistols in their holsters, and rifles whacked as armed guards went into swift and effective action. When the uproar had subsided, Tennessee Jackson addressed the other two prisoners.

"Bide Connors and Lem Samuels will arise and face the Court!"

The two cowering thieves stood up and faced Jackson. He stroked his long graying beard for a moment, and then he shook his head slightly.

"I am deeply sorry, but the jury has returned true verdicts," he murmured. "I sentence you, and both of you to hang by the neck until you are dead. Tom Houston, you and your assistants wil do your sworn and bounden duty!"

Terry O'Day stepped down from the wagon as Tom Houston and his three riders advance. O'Day gave a sharp command, and the Vigilantes again like a naval officer as he gave orders and marched his men to the hang-tree, with the three prisoners in the middle.

Tom Houston had taken time by the fore-lock, and had arranged three ropes over the thick limb of the old cottonwood tree. Whiskey barrels had been borrowed, and three of them stood under the waiting nooses. Boxes had been placed beside the barrels, and the three prisoners were helped to the solid barrel-heads, with Faro Barnes in the middle.

Two thousand men surrounded the tree, and there was little talk. Tex Guthrie placed the nooses about the heads of the condemned men, and tightened the hondo securely behind the left ear of each man. The ropes were tied to the base of the tree, and Tennessee Jackson removed his worn hat and faced the culprits.

"Bide Connors, have you any last message?" he asked gently.

Connors shook his head and closed his eyes. Tears were streaming down his face, and Jackson addressed Samuels.

"Have you any last words, Lem Samuels?"

"She was a short life, but a merry one," Samuels boasted. "I lost my head from drinking too much of Black Jack's forty-rod. He's a jasper you ought to hang!"

Tennessee Jackson frowned and addressed Faro Barnes. "And you, Faro?"

"I reckon I've got it a-coming," the big man whispered. "I come from a good family, but I wouldn't listen to my mother. I cheated at cards like many another, and I won't mention names with my dying breath. Get on with the Doings!"

TENNESSEE Jackson nodded to Tom Houston. Three men had mounted their horses; old Tom had insisted that young Colt have no part in the actual hangings. Three extra lariats had been placed around the whiskey barrels, and Tom Houston shrilled a Texas yell and hit his horse with the spurs.

Tex Guthrie and another cowboy spurred with the hooks at the same time, and the three horses leaped into a dead run from a standing start. The ropes tightened, and the three barrels were jerked suddenly from beneath the feet of the three condemned men.

Terry O'Day took off his hat and turned away. A scream rang out from the lips of Bide Connors, but the weight of Faro Barnes broke his neck and brought almost instant death.

The crowd stared and became silent. Finally Tennessee Jackson spoke to the bleary-eyed doctor who had fortified himself with trade whiskey.

"Doc Albers, you will make an examination!"

Doc Albers jerked up, reached for a flask, and took a deep swig. Then he squared his shoulders, and made the examinations. He faced Tennessee Jackson with some return of his professional dignity.

"I pronounce these men, all of them, dead!"

"The Vigilantes will bury the remains of Boothill," Jackson said quietly. "And you gentlemen out yonder; the Vigilantes of Hangtown are here to stay. Disperse and go to your homes, and let this be a lesson to all of us. This court is adjourned!"

7

Extra! Extra!

TERRY O'DAY watched and listened as he talked with Jackson and Tom Houston at the end of the block which was now known as "The Plaza." The O'Day Mercantile Company occupied one end of the block, with the hang-tree at the far end. It was almost noon; the trails had been over for more than an hour.

A board shack faced the square, with a crudely painted sign which announced that Ah See had opened a hand laundry. Next to the laundry was a blacksmith shop, and beyond that a board structure with a new sign. It told the public that Cornwall Perkins was now ready for business, and would also make cabinet-work. The sign said boldly:

UNDERTAKER

Several tall boys ran out from the printing office with bundles of newspapers under their arms. O'Day nudged his companions as they began to shoot loudly.

"Extra! Extra! Read all about the Vigilantes. Three men hung in one day! Get your paper here!"

"We ran off a thousand copies," Terry O'Day said quietly. "From now on a man's belongings should be safe while he is working, or taking his rest!"

Black-Jack Thompson approached with a copy of the *El Dorado Journal* in his left hand. He made no comment about the hangings, but he pointed to the political advertisements.

"I see you gave yourself the head line spot on the front page," he said to O'Day. "While you put mine on the back page,"

"My forman makes up the format of the paper," O'Day replied quietly. "But I assure you the paper will be read from cover to cover!"

"Right interesting editorial you quilled," the gambler commented. "In which you state that the games in my Dew-drop Inn are crooked!"

Tennessee Jackson entered the argument as he spoke in a drawling stern voice. "You'd know best about that, gambler. I advise you to turn over a new leaf, or face the wrath of the Vigilantes. You won't be making it an augerment with *one* man; there are a hundred and twenty of us now!"

Thompson stepped back and glared at the Southerner. "If I want to make it a fight, I can get two hundred men!" he warned.

Tennessee Jackson stroked his long beard. "You want to make it a fight?" he asked quietly. "After what you saw this morning?"

"So you hide behind this new gang of yours!" Thompson accused O'Day.

Terry O'Day tried to restrain his sudden anger. "Did I hide behind anyone when you entered my printing office recently?" he asked the gambler. "Did I hide when we entered your saloon to take our prisoners?"

"This election better be on the up and up!" Thompson retorted, and strode down the street.

"It will come sooner or later, Terry," Tom Houston said quietly. "Why didn't you call that tin-horn, and settle this argument while it is still a pup?"

Terry O'Day shrugged and recovered his poise. "I'm not a brawler, Tom," he answered slowly. "Yonder comes Johann Sutter to talk about that business deal concerning his live-stock. He is heading toward my office, and we will meet him there."

Sutter saw them coming and waited near the printing office. He was attired in frontier finery copied from the Spanish cowboys. Little silver bells rimmed the brim of his sombrero, and he wore a gaudy *serape* over one shoulder. Four Indian soldiers dressed in buskskin served as Sutter's guard, and they were armed with flintlock muskets and knives. O'Day addressed Sutter by the title

which the Swiss-German had bestowed upon himself.

"Good morning, Duke. Let us retire to my office to discuss our affairs!"

SUTTER SMILED his appreciation at the respectful use of his title. His dream of a kingdom had been spoiled by the discovery of gold at his flour mill on Sutter's Creek, but Sutter was an opportunist, and his resources were vast. As they sat down in the little back room Sutter referred to some papers taken from his pocket.

"Twelve thousand cattle, I have," he said slowly. "Two thousand horses, and fifteen thousand sheep. More than one thousand swine, and then Marshall discovers this cursed gold!"

"You will make a great deal of money on your livestock," O'Day said confidently. "Tom Houston will drive the cattle and horses, and these miners must eat. I am building a place to store the carcasses, and will sell the meat. My books will always be at your disposal, and we shall split the profits three ways!"

Tom Houston nodded slowly. "I've got some good cowboys, and can get some more," he assured Sutter. "Most of your cattle went for tallow and hides. Fresh beef will sell here for a dollar a pound!"

Johann Sutter nodded happily. His kingdom of New Helvetia was perhaps only a dream, but he was a shrewd business man. If his flour mill was ever completed, there would be new revenues for his coffers.

"You give me new hope, Terrence O'Day," he stated gratefully. "I will enter into business with you and Tom, and I have perhaps forty Indians who are faithful to me. There will be much gold," he added. "And many highwaymen between here and Yerba Buena; I mean San Francisco!"

"I've thought about that," O'Day agreed. "We will have to send the gold out under a strong armed guard. For a fee, of course," he added with a smile.

"You will continue to operate your store at Sutter's Fort?" Sutter asked wistfully.

"Of course," O'Day assured the anxious Duke. "We will have an election here in one week, and then I will have more time to spend at my other stores."

"You will assume charge of all my livestock," Sutter told Tom Houston. "My Indians will take your orders, and all are well mounted. Now I return to Sutter's Fort where I plan a banquet to celebrate the election here in Hangtown!"

The three men shook hands, and Sutter left the office and mounted his fine horse. He rode away with his Indian bodyguard, and Tom Houston frowned when a girl raced up on a bay horse. She was wearing divided leather skirts, and her pretty face was tanned from wind and sun.

"Good morning, Betty Lou!" O'Day greeted Houston's daughter. "Are you going to be one of the cowboys?"

Betty Lou Houston smiled and nodded her curly blonde head. She was about five feet five, well-build but slender from long hours in the saddle, and her laughing eyes were blue.

"I certainly am, Terry," she said positively. "I'm almost as good as Colt with a lasso, even if he is two years older than me!"

"You can help with the stock, but you stay away from Hangtown," her father warned sternly. "You're a growed woman now, Betty Lou!"

"I'm twenty," the girl answered pertly. "I haven't been to a dance in ever so long!"

"Well, you can go to one soon," Terry O'Day interrupted. "Johann Sutter is giving a bit *baile* at the fort after the election."

"You'll take me, Terry?" Betty Lou asked quickly.

"Betty Lou!" her father reproved sharply. "Haven't you manners enough to wait until you are asked?"

"But Terry did ask me," the girl pouted. "Didn't you, Terry?"

"Of course I did," O'Day came to the girl's defense. "We will go over in a party!"

"I don't want to go in a party,"

Betty Lou pouted. "That would mean Molly Brannigan and all the rest!"

"You don't like Molly?" O'Day asked with a smile.

"Oh, I guess she's all right," Betty Lou answered reluctantly. "But some one else could take her!"

"And some one else would," Tom Houston said gruffly. "Like as not it would be Black Jack Thompson!"

TERRY O'DAY frowned, then shrugged. "It is a long day's ride to the Fort," he answered. "There will be a big party, and we will all ride over together!"

"The Brannigans left for San Francisco in Sutter's launch," Betty Lou added. "I heard Jim Brannigan say they would be back the day before the election. Will you be riding out to look at the cattle, Terry?" she asked expectantly.

"From time to time." O'Day answered evasively. "Take care of yourself, Betty Lou, and I'll see you at the dance!"

He felt uncomfortable as he returned to his office, and Tom Houston mounted his horse and rode away with his daughter. Little groups of men were discussing the coming election on the dusty streets, and old Kit Barston was making a speech near the plaza.

Barston was dressed in buckskins, and he wore a coonskin cap on his shaggy head. Mounted on one of the empty whiskey barrels which had served at the hangings, the old hunter was waving his arms and exhorting the crowd who surrounded him.

"Terry O'Day is the man we want for Mayor of Hangtown!" Barston declared. "He thought way ahead, and he sells us the tools and victuals we need. He invented the cradles we use to mine our gold, and he gave us Law and Order. We have a newspaper, and we'll all eat fresh meat. Vote for Terry O'Day for Mayor of Hangtown!"

Terry O'Day could hear the loud voice of old Kit Barston clearly. He glanced through the open door, and he saw Ma Barston listening to her spouse for a while, and when old Kit stopped for breath, she spoke up grimly.

"What Kit told you gents is Gospel. Vote for Terry O'Day next Wednesday. And you, Kit, get down off that barrel and help me with my work. Dinner will be on the table in fifteen minutes!"

O'Day smiled as Kit Barston swallowed noisily, and jumped down from the barrel. Hangtown was almost a womanless camp, with the exceptions of Ma Barston, Molly Brannigan, and the irrespressible Betty Lou Houston. Now Molly was en route to San Francisco via the Sacramento River, and Betty Lou lived on the ranch four miles from Hangtown.

O'Day left his office and walked down the dusty street. He noticed two freshly painted signs, and stopped to read them. One announced:

ZACHARY JONES,
ATTORNEY AT LAW.

The other one said simply:

JUSTIN ALBERS, M. D.

Tennessee Jackson fell in beside O'Day and boasted proudly. "Hangtown is an up and coming place, Terry. Now we have a doctor, a lawyer an undertaker and blacksmith, two saloons, and a newspaper, Yes suh, we certainly are growing. How you feel about the election?"

"I'm suspicious of Thompson," O'Day admitted guardedly. "We will have to keep a strict watch of the ballot boxes, to keep his hoodlums from voting more than once. Better talk to the Vigilantes about it, seeing that I'm running for office."

"I noticed you ran a piece for Jim Brannigan," Jackson remarked.

"Jim is a good man," O'Day praised warmly. "His own paper was delayed, but I'm sure he would do the same for me."

"We're getting a lot of dust and nuggets in camp," Jackson whispered cautiously. "What's this about sending the dust to San Francisco under a strong guard?"

"That's right," O'Day admitted. "Tom Houston is bringing in meat today, and tomorrow he will start the trip. He has six cowboys, and Sutter is sending a dozen Indian soldiers to meet them!"

"Oughtn't to be any trouble after the hangings this morning," Jackson said hopefully. "Still, you never can tell about that gang that hangs around Thompson's tent saloon. Most of them won't work, but they eat regular!"

THEY REACHED the eating tent and took seats at the long table the red-shirted miners were prodigious eaters, and Jackson pointed to a sign over a freshly-baked apple pie. He grinned as he read the sign aloud.

"Apple pie, ten dollars per each, or three dollars per quarter!"

"I'll take a whole pie," Jackson told Ma Barston. "And cheap at double the price!"

Ma Barston beamed and placed a pie before Tennessee Jackson. The other miners clamored loudly for portions, and a dozen pies were speedily devoured.

The men about the long table treated Terry O'Day with more respect than they accorded each other. He seemed sober and preoccupied. When the meal was over, he called for silence and told the listening miners that an armed escort would take gold to San Francisco for a nominal fee of five per cent. He told them to pass the word and bring their dust to the printing office where it would be weighed and credited to the owners. Then O'Day left the tent and hurried to the corral behind his big store.

He saddled a bay gelding and rode up toward the claim on the river. Some of the men had returned to work, while others were taking what pleasure they could find in town. Five claims had been staked out adjoining each other, and Dennis Ryan, the young printer, was hard at work with two of the clerks from the store.

"Howdy, boss!" Ryan called happily. "We hit a pocket of nuggets, and we've only scratched the surface. Those new cradles sure work fine!"

Terry O'Day examined the nuggets and rolled up his sleeves. He seized a shovel and began to fill one of the cradles, while an older man turned water into the sluice box. Then O'Day went to his knees to examine the riffle, and he picked up a golden nugget and held it in the sun.

Now he knew the madness that seized men when they discovered raw gold. His blood was racing through his veins, and he was unmindful of the blisters on his hands. He worked for two hours under the blazng sun, and when he straightened up, an involuntary groan escaped from his lips.

Dennis Ryan grinned and winked at the store clerks. "What's the matter, boss?" he twitted O'Day. "You discover a lot of muscles in your back that you didn't know you had?"

"That's right," O'Day admitted ruefully. "I'll have to do more of this, and I think I'll work this Sunday. How much gold have we to send down to San Francisco?"

"Well, working the way we do, not too much," Ryan answered thoughtfully. "Mebbe so three-four hundred ounces!"

"Hmm. That's roughly around five thousand dollars for five weeks work," O'Day figured quickly. "To be divided equally between eight of us!"

"We could pan more, if we worked more," Ryan declared eagerly. "Could I quit the printing office and just work here?"

"You couldn't!" O'Day said sternly. "You'd be working too hard, and it wouldn't be fair. If the diggings peter out some day, we will still have the printing office and the store!"

"I'm saving my gold," Ryan whispered confidentially. "I've got a girl waiting back in New York, but I wouldn't want her to live in the diggings."

"That's right," O'Day agreed. "Save your money and bring her later to San Francisco. You can buy in with me in the printing office, or open up one of your own."

"A LOT OF PEOPLE from the East will rush out here as soon as they hear the news," Ryan said slowly. "I'm glad we got here first!"

"That's the luck of the Irish,"

O'Day answered with a smile. "They should have the news now," he added. "Molly Brannigan is correspondent for the *New York Herald,* and she sent the news along. It will be copied in every newspaper in the States, and people will come by the thousands!"

"Gee, Terry, I can hardly believe it," young Ryan whispered. "When we first came to Hangtown, there were about a hundred men. Now there must be close to three thousand, and more coming every day!"

"They will come from all over the world," O'Day prophesied. "Already we have a babel of tongues in Hangtown. The Russians came down from above Sutter's Fort, and there are any number of Chinese. Not to mention Italians, Germans, and the Irish."

"Or the Indians," Ryan added with a grin. "They were here first."

Terry O'Day laid aside his shovel reluctantly. He stared thoughtfully at the broken blisters on his hands. Then he patted a mongrel dog which he had brought from San Francisco, and which had deserted him to live with the miners on the claims.

"We ought to give these claims a name," O'Day suggested, as he petted the dog. "I remember the day you and I were out here first, Dennis. That yellow dog chased a squirrel down a hole and started digging. Finally I pulled him out by the tail, and he rolled out two fair-sized nuggets with his front paws."

"That's it, Terry!" Ryan shouted. "Let's call 'em the *Yellow Dog* mine!"

O'Day turned to the two store clerks. "What do you think, Tom?" he asked the older man.

"I think just like Dennis, boss," Tom Healy answered promptly. "That yeller dog is worth his weight in gold!"

"So be it," O'Day agreed. "Now you boys get the dust and nuggets to send out with the armed escort in the morning. I'm going back to town and work in the office. Lordy, my back aches!"

8

Politics

JIM BRANNIGAN had returned from San Francisco. His printing press and equipment were coming over the trails by freight wagon, and the election would be held next day. Brannigan had made several speeches in his own behalf and was confident that he would be elected as Hangtown's first Mayor.

Terry O'Day had refused to take the stump, but his friends had left no political stone unturned. They pointed out that his deeds had proved his platform, and the armed escort had made the trip to San Francisco with almost seventy thousand dollars in gold. The gold had been safely delivered, and in many cases, had been exchanged for money which the miners were now spending freely.

Black Jack Thompson had made speeches in his own behalf, and had always been applauded noisily by the heavy drinkers who patronized his saloon. The cabinet maker had made four large boxes in which the ballots would be placed during the voting.

Thompson glanced up from a green-topped table in an extra tent behind his saloon. He was dealing Black-Jack to three men, and he laid the deck aside as Tennessee Jackson entered the saloon with three other men.

"I want one of the ballot boxes here," the gambler told Jackson. "I understand one will be in O'Day's store, one at the Plaza near the hang-tree, and another near Doc Albers' place!"

"That's right, Thompson," Jackson agreed. "And there will be four men at each voting place to keep the vote honest. Just thought you might want to know!"

"What do you mean by that?" Thompson demanded.

Tennessee Jackon shrugged. "I mean just what I said," he answered. "And may the best man win...honestly, that is."

"Two can play at that game," the

gambler retorted, and Jackson stared thoughtfully and withdrew with his party.

Molly Brannigan was talking to Terry O'Day in the office of the *El Dorado Journal*, and Molly was smiling happily.

"I heard about the dance the Duke is giving at Sutter's Fort," she said in her throaty voice. "Are you asking me to the *baile?*"

"We will ride over in a party," O'Day answered slowly.

"We will?"

"That's right. Tom Houston and Colt, and quite a few of the men from here."

Molly frowned. "How about Betty Lou?" she asked pointedly.

"She will go with us," O'Day answered. "You and Betty Lou will be very popular. The men will outnumber the girls four to one."

"She asked you to take her," Molly accused. "Am I right, Terry?"

"I suggested that we all ride over in a party," O'Day evaded.

"But Betty Lou did not want to ride over in a party," Molly said knowingly. "She wanted you to squire her alone!"

"How were things in San Francisco?" O'Day asked, as he attempted to change the subject.

"Several ships were unloading, but you didn't answer my question," Molly said quietly. "Mister Thompson asked me to ride over to Sutter's Fort with him."

"You will please yourself of course," Terry O'Day said bluntly. "'Tis a free country, Molly Brannigan!"

Molly Brannigan frowned, and then unrolled a newpaper. She smoothed it out, pointed to the New York date line, and watched Terry O'Day's handsome face as he read of the discovery of gold at Coloma and at Hangtown on the American River.

"Under your by-line," O'Day remarked. "In the *New York Herald*. Molly, you've started one of the biggest movements westward this fair land has ever known!"

A COMMOTION arose down the street, and O'Day jumped to his feet. Then he was running toward the new board shack where the Chinese, Ah See, had started his laundry. Two men were dragging the struggling Chinese from his place of business, and one of them was brandishing a six-shooter.

"You know what we do to robbers here in Hangtown," the bearded ruffian shouted. "We'll make an example of you, you heathen!"

Tennessee Jackson appeared out of the gloom with three men at his heels. They closed in on the man who was dragging the screaming Chinese down the street by his long braided queue. Jackson spoke sternly.

"What's going on here?"

"Stand aside," the miner shouted. "This heathen tried to charge me a dollar apiece for washing my shirts. That's robbery, and we aim to make an example of the likes of him!"

"Let Ah See go!" Jackson said sternly. "You are no part of the law!"

The ruffian turned his gun on Jackson, but a deep voice spoke quietly. "Drop that gun, Mister, or I ban blow a hole in yore back!"

Big Swede Thorsen leaned against the pistol he had pressed between the ruffian's shoulder-blades. Tex Guthrie and Kit Barston covered the other man, and both dropped their weapons.

Terry O'Day stopped to watch the scene. Jackson stalked up to the bigger man and demanded his name.

"Bill Bowie," the ruffian said gruffly. "Wait till Black Jack hears about this!"

"Yonder comes yore boss," Jackson said quietly. "Now we will hear what he has to say about this!"

The gambler approached quickly and tightened his lips. "Release those two men!" he ordered arrogantly. "I said...at once!"

He did not see O'Day in the shadows, but six armed men closed in around Jackon and his little party. Each had a cocked pistol in his hand, but Tennessee Jackson refused to give ground.

"It might as well be now, gambler!" Jackson drawled stubbornly.

He threw back his head and whistled shrilly, three times. Men came running from shacks and tents with pistols and rifles in their hands, and another crowd started from the saloon tent.

"Give up, or blood will run in the streets!" Black Jack Thompson shouted. "This man is a robber, and you know what we do to robbers!"

Terry O'Day climbed to the top of the little laundry shack. His six-shooter was in his hand and trained on the heart of the gambler as he spoke in a loud clear voice.

"You are inciting mob violence, Thompson. Call off your men, or you will be the first to die!"

The tall gambler stiffened, threw back his head, and saw Terry O'Day on the roof. Tennessee Jackson smiled and spoke quietly.

"Every man is entitled to a fair trial, and we might as well have one now," he stated. "What is the charge against Ah See?"

"Robbery!" Bill Bowie shouted. "He tried to charge me a dollar apiece for washing my shirts!"

"Just a minute!" O'Day interrupted. "What does Thompson charge for a drink of whiskey in his place?"

"One dollar!" several miners shouted.

"Well?" O'Day asked the gambler.

"Well?" retorted Thompson. "I pay freight on my liquor, and I pay for the liquor too!"

"Do you hold any man down on the ground and pour whiskey down his throat?" O'Day demanded.

"Don't be funny, O'Day!" the gambler said sourly. "You know damn well I don't!"

"Did Ah See hold Bill Bowie on the ground and force him to bring his laundry to this shop?" O'Day questioned.

"Me no savvy," the Chinese said excitedly. "I win much money at Black Jack lass nite. Ah See China boy, washee-washee for a living!"

"What do you say, Black Jack?" O'Day demanded. "If you insist on fixing the price of laundry, that gives Ah See the right to come up to your place and fix the price of drinks. You want to play that way?"

"Never thought of it in that way," Thompson admitted reluctantly. "Looks like you've made a point, O'Day. Turn Ah See loose, and the drinks are on me. Let's get back to the *Dew Drop Inn*. You too, O'Day?"

Terry O'Day holstered his six-shooter and shook his head. "I'm not drinking," he explained. "I want to keep a clear head for the elections tomorrow!"

"Another time," Thompson said pleasantly. "You can drink to my health after I win the election!"

"If you win, I will," O'Day promised, and Thompson led the way to his saloon tent.

TENNESSEE Jackson watched until they were out of sight. Ah See smiled and offered his thanks and his services.

"Ah See have Chinese counting board, Mistla O'Day," he said with Oriental dignity. "Ah See be glad to count the votes. Ah See velly honest!"

"Good idea," Jackson agreed, and then he frowned. "Thompson means to make trouble tomorrow, Terry," he muttered darkly.

"Better divide the Vigilantes into four groups," O'Day suggested. "Make each voter register before he votes, and appoint a committee of of judges. I'm going to turn in and get some sleep!"

Terry O'Day did not know that Tennessee Jackson had placed a guard of two men behind the store, and he undressed in the darkness and sought his bunk. He was asleep almost instantly, and it seemed by a moment later when he was awakened by the spiteful bark of a rifle.

Two six-shooters roared in unison, and something thudded outside the bedroom window as O'Day leaped to his feet and pulled on his buckskin pants. He heard a shrill whistle as he ran through the store and out a side door, and men came running from tents as O'Day reached the street at the side of the big store.

Tex Guthrie and Tom Houston were standing over a fallen man, with six-shooters smoking in their hands. "Did he get you bad?"

Tennessee Jackson and Swede

Thornsen came running down the street, followed by a crowd from the tent saloon.

"We shot us a sneakin' skunk!" Tex Guthrie stated calmly. "Big hombre by the name of Bill Bowie. Yo're bleedin', Terry," he said anxiously.

Terry O'Day rubbed his left shoulder and stared at a smear of blood. He had not known that the assassin's bullet had grazed him as he lay in his bunk, but he shrugged carelessly.

"Just scratched me," he muttered. "What happened?"

"Me and Tom were put on guard here after that ruckus down at the laundry," Tex Guthrie explained. "We saw this jasper sneak up to the window where you was sleepin', but he got the first shot. Tom and I both fired at the same time, and we both got the son dead center!"

"What's going on here?" a deep voice demanded, and Black Jack Thompson shouldered through the crowd. "Who killed Bill Bowie?" he asked savagely.

"I did, gambler," Guthrie answered promptly. "You takin' up for the deceased?"

"You'll stand trial for murder!" Thompson said viciously. "And I'll have something to do with choosing the jury!"

"We scotched us a snake," Tennessee Jackson interrupted. "This Bill tried to kill Terry O'Day while Terry was sound asleep. Scratched Terry there on the shoulder with his slug, and Tex and Tom burned yore pard down. You still want a murder trial, gambler?"

"Putting it that way, I suppose you were within your rights," Thompson conceded. "But I'd like to know since when a heathen Chinese is better than a white man!"

"No man is better than another," Terry O'Day answered sternly. "We are all equal here in the diggings, and if I have a platform, I'll stand on that one!"

"Ah See might be your equal, but he's not mine!" Thompson contradicted angrily. "Neither are a lot of other bums I could name!"

"And you could name most of them," Tennessee Jackson retorted. "Most of them hang around that sinkhole you run. I'm ordering this crowd to disperse, and I've got forty men to back me up. The polls will open at seven in the morning, and it's midnight now!"

A HAND TOUCHED O'Day's arm as the crowd began to disperse. Doc Albers was staring at O'Day' shoulder, and he carried a small black bag in his left hand.

"Better come inside and let me dress that wound," the little Medico said quietly. "I haven't had a drink in more than a week!"

"And you look fine," O'Day praised heartily, as he led the way through the side door of the big store building. He struck a match taken from a block of Mexican stinkers, lighted a coal-oil lantern, and adjusted the wick.

Doc Albers opened the black bag and produced a bottle and cotton. He cleansed the deep scratch with disinfectant, applied a small compress and bandage, and closed his bag. Then he produced a small flask and pulled the cork.

"I'd like to drink one small libation to your good health and longevity," he said wistfully. "What you might call a spur to a jaded nag, and I can control my appetites now!"

Terry O'Day smiled and produced two cups. Doc Albers poured two drinks, touched O'Day's cup, and they drank standing. The little doctor sighed deeply and replaced the flask in his bag.

"You have started me on the road to rehabilitation, Terry O'Day," he said earnestly. "My deepest thanks and appreciation, and I will always be in your debt. Good night to you, Sir!"

"Good night, Doctor," O'Day answered, and when Albers was gone, he put out the lantern. Then he sought his bunk again, and was almost instantly asleep.

UP IN THE tent saloon, Black Jack Thompson was talking to a group of men in the tent which served as a gaming room. All were

bearded and armed to the teeth, and guards had been posted around the tent.

"You men all know what to do," the gambler said quietly. "If I am elected Mayor, we will take over the freighting, make the laws, and the town will be wide open. Let the fools mine the gold, and we will get most of it!"

"Bill Bowie was my pardner," a thin-faced man said sullenly. "I was with him when we tried to hang that Chink, and I mean to even up for pore Bill!"

"And you better hold your tongue, Slim Bailey," Thompson warned. "I promised you the job of running one of my other saloons a bit later. We'll see what kind of work you do tomorrow. Now clear out of here, and remember your orders!"

As the crowd began to leave the tent, a slim shadowy figure melted with the deeper shadows and joined another man in a tent. A voice whispered a question in the dark.

"You find out anything Colt?"

Colt Houston went close to his father and whispered what he had learned. "We'll have to watch that Slim Bailey," the cowboy finished. "It's something about the voting tomorrow, and I heard Thompson say that his gang would take over the freighting if he was elected!"

"Better get down to the river and warn Jackson," Tom Houston told his son. "You sleep down there, and I'll warn Terry first thing in the morning. Don't make any noise!"

Colt Houston slipped out of the tent and walked to a copse of alders. He untied his horse, mounted, and walked the animal through the deep dust. He called guardedly when he reached the tents above the river where Jackson and his pardners were sleeping.

"Tennessee!" Then Colt Houston whistled softly three times.

"Give your number!" a voice called hoarsely.

"Eighty seven reporting!"

"Light down and come in, Colt," Tennessee Jackson answered instantly. "It won't take a man long to spend the night in these diggings."

Colt Houston entered the darkened tent and made his report. Tex Guthrie and Swede Thorsen slipped in to listen, and Jackson spoke softly.

"Tex, double the guard around the *Dew Drop Inn*," he ordered. "We'll keep that gang honest if we have to kill 'em to do it. Now let's get some sleep again the early dawn!"

9

The Election

SWEDE THORSEN was like a Viking giant as he led forty chosen Vigilantes to a large tent that had been erected as a polling place near the Dew Drop Inn saloon. All were heavily armed with rifles and pistols, and they took their places around the tent, just far enough away to insure privacy.

Tennessee Jackson sat down at a small table with a sheath of papers and pencils. The papers were numbered, and as O'Day had explained, this would constitute the first Great Register of the Hangtown voters. The rules had been drawn up by a Vigilante committee headed by Jim Brannigan, and several small booths had been erected inside the tent.

A long line of men formed in front of Jackson, and he told each to sit down and sign his name, and the date he had joined the camp. There were no scenes of disorder until a group of men merged from the saloon tent and swaggered up to the table.

Tennessee Jackson straightened his shoulders, and lifting his beaver hat, he slowly scratched his head. The watching Vigilantes moved in closer, and it was noticeable that they held their rifles at the ready. A big teamster sat down and picked up the pencil.

"When did you reach camp?" Tennessee Jackson challenged the longline skinner.

"Last night, " the driver answered. "The name is Charley Murphy!"

"Sorry Murphy," Jackson said apologetically. "You are not elegible to

vote unless you have been here one week. Next man!"

"What's the reason I can't vote for my good friend Black Jack Thompson?" the big teamster roared. "Hey Rube!"

The men behind him reached for the pistols. A large band of men came from the saloon on the run, rifles ready in their hands. They were led by Black Jack Thompson who faced Tennessee Jackson with a sawed-off shotgun in his long-fingered hands.

"These men are going to vote Jackson!" Thompson declared loudly. "And there's enough of us to see that they get a vote!"

"*Ten-shun!*" Tennessee Jackson shouted clearly. "Firing positions.. Aim!"

Black Jack Thompson frowned and turned his head. He saw forty stern-faced men, each with a cocked rifle at his shoulder. Big Jim Brannigan was coming down the street, and Thompson shouted insolently.

"Come here, Big Jim!"

Brannigan halted and stared at the gambler. He was forty paces away, but his resonant voice could be heard clearly.

"You spoke to me, Thompson?"

"I spoke to you," Thompson shouted. "You get up here on the double and tell this swamp-coon that this is a free election!"

"Don't tell me what to do, you backleg gambler!" Brannigan answered angrily. "You thought to run in a crowd of drifters to pack the ballot boxed. I helped write the rules governing this election, and if they have been here seven days, they are eligible to vote. If they haven't, they don't vote!"

"They'll vote!" Thompson declared savagely. "I'm one of the candidates for office, and I mean to get my rights!"

"You will get your rights," Tennessee Jackson said quietly. "So will every other man in Hangtown. Stand aside, Thompson, and take these drifters with you!"

"Just a minute!" Thompson said gruffly. "Look over yonder!"

Tennessee Jackson looked where the gambler was pointing. Slim Bailey was covering Jackson with a shotgun, and twenty men were similarly armed behind Bailey.

"Do these men vote?" Thompson asked triumphantly.

"Let them vote, Jackson," Jim Brannigan said slowly, and his left eyelid lowered perceptibly.

WITH THE stalemate holding for an hour, the drifters registered and cast their ballots. Tennessee Jackson made a duplicate of the names opposite each number, and he protested when he recognized a familiar face.

"You have voted once," he told the man.

"I never did," the man contradicted angrily.

"Allow him to vote," Brannigan said quietly.

The polling place near the saloon was busy all day long. Tom Houston withdrew with half of his Vigilantes, and Tennessee Jackson complained that many men were voting several times. Slim Bailey held his position with his shotgun guard, and Jim Brannigan left the place and went to talk with Terry O'Day.

"Are the men organized?" he asked quietly.

"They are, Jim," O'Day answered. "And seventy more men have joined the Vigilantes. Showdown will come at seven tonight, and the decisions of the judges will be final!"

"There will be a rush of new men within six weeks or so," Brannigan predicted. "Molly's piece was printed in the *New York Herald!*"

"I saw it," O'Day answered. "They will come by ship, and by wagon train. There will be work for every one, and gold for those who are lucky. When will your press be set up?"

"*The Sluice Box News* will go to press this week," Brannigan answered proudly.

"Good name for it," O'Day agreed. "Miss Molly will be the editor?"

"Assistant editor," Brannigan corrected. "We're taking out a lot of gold from Dead Man's Gulch!"

Terry O'Day looked thoughtful. "I

hope there will not be more dead men before sundown," he murmured. "Thompson is bound to give us trouble."

"I suggest that we arrest and hang the scoundrel," Brannigan growled. "He's inciting the lawless element to mob violence, and we both know it!"

"Every man is considered innocent until proven guilty," O'Day reminded. "Changes must come gradual, Jim."

"One of us will be Mayor of this thriving community," Brannigan said frankly. "I have my plans, and doubtless you have yours"

"That's right," O'Day agreed. "You'll join me for dinner at Ma Barton's?"

Brannigan shook his head. "Molly will be waiting for me, and it wouldn't look right," he refused the invitation. "After all, you and I are political enemies. And may the better man win!"

"Keno!" O'Day concured. "You'd make a good Mayor, Jim!"

"I agree with you again," Brannigan said with a nod of his shaggy gray head. "If I am elected, and I am sure I will be, I will appoint you on my advisory committee."

"Well, thanks, Jim," O'Day answered with a chuckle. "But the results will not be announced until almost midnight."

As Brannigan walked away, O'Day made his way to Ma Barston's tent for dinner. He recognized dozens of Vigilantes, but O'Day did not speak of the trouble at Thompson's place. He nodded at the gambler who was already seated in the dining tent.

"A thousnd men have already voted for me, O'Day," Thompson boasted. "That many more will vote this afternoon. I'll win by a landslide, counting you and Jim Branningan to split the rest of the votes."

"You never can tell about an election," O'Day warned. "At least we will try to keep this one honest!"

"That's right," Thompson agreed. "And every one is entitled to protect his own interest!"

"We won't know until late tonight, O'Day remarked. "Until after the ballots have all been counted."

"We won't have to wait that long," Thompson boasted. "There are not more than three thousand men in Hangtown. I figure to poll at least two thousand of those votes, so that makes me the winner, and the first Mayor of Hangtown!"

TERRY O'DAY made no answer. He ate in silence, ordered a piece of pie, and left the dining tent. Then he busied himself in his office until time for supper, where he again met Black Jack Thompson.

"Congratulate me," Thompson said with a smile. "I figure I have twenty-one hundred votes!"

"Honestly?" O'Day asked with eyebrows raised.

"What do you mean by that?" Thompson barked.

"You heard me," O'Day said with a shrug.

"Look, O'Day," the gambler whispered. "Some day you and me will lock horns for good. You better get along with me!"

"Those are my sentiments exactly, with reverse English," O'Day said coldly. "You better get along with a lot of folks, Thompson!"

He attacked his dinner, paid his check, and left for his office. The poll officers were bringing the ballots, and the judges were seated at a long table in the printing office. Jim Brannigan sat at the head of the table, and a strong guard of Vigilantes guarded the door and windows.

Terry O'Day watched for a while as many votes were marked invalid. If a man had not resided in the camp for a week, his vote was discarded. Tennessee Jackson made a list of the men he had seen vote several times and Black Jack Thompson's lead was whittled steadily down.

A bonfire was lighted near the saloon, and the flames leaped high to light the plaza. Jim Brannigan passed his lists to Doc Albers who was busy compiling figures.

"It's mighty close so far," the little Medico announced. "Seven hundred and seven for Terry O'Day. Seven hundred for Jim Brannigan. Five for Thompson!"

The judges worked steadily, and at last Doc Albers pushed back his chair and stood up. His eyes were glowing as he spoke to Tennessee Jackson.

"Better get out and give orders to your men," he suggested. "I will announce the news from the platform of the store as we agreed. There's a big crowd out there already!"

Jim Branningan stared at Terry O'Day who seemed indifferent as to the results. The bonfire cast an eery light over the Plaza, and silhouetted the hang-tree with ghostly shadows. Then a large crowd of shouting men started down the dusty street from the tent saloon.

"Hooray for Black Jack Thompson, the Mayor of Hangtown!"

Jim Brannigan frowned and loosened the pistol in his holster. Most of the men had left the room, and the crowd from the saloon were waiting in front of the big store. More than two hundred of them, and most of them had been drinking heavily.

Twenty picked men marched out on the platform and took their positions where they could overlook the crowd. Little Doc Albers came out a side door and held up a hand for silence. Then he began to speak in a steady cultured voice.

"Gentlemen of Hangtown, I have been chosen to announce the result of our first election. But first I want to call to your attention that two hundred Vigilantes and as many other honest citizens are armed and ready to put down any mob violence!"

Black Jack Thompson stepped out of the crowd and held up his hand. "We know the results," the gambler shouted. "You can't bluff us with a lot of dazzle!"

DOC ALBERS waited, and then spoke again. He told the crowd about the rules, about the board of judges, and waited for the announcement to sink in. Then he spoke again.

"Every vote cast by a man who has not resided in Hangtown for at least seven days has been eliminated. Every vote where some men have voted several times has been treated likewise. If there is any trouble, the hang-tree will be decorated with grisly fruit this night!"

Black Jack Thompson gasped and then stepped forward again. "You can't do this," he said angrily. "Every man in camp has a right to vote!"

"The rules were announced in the *El Dorado Journal*," Dock Albers stated. "The same rules apply to all. There were three thousand and twelve honest votes cast!"

"There were more than that cast at my place!" Thompson shouted.

Tennessee Jackson walked out on the platform with his coonskin cap pulled low on his head. Then he spoke one work, but he spoke it very loudly.

"Ten-shun!"

Every man on the platform came to attention with rifles at the ready. Tennessee Jackson pointed in three directions, on little hills above the Plaza. He left the explanations to Doc Albers.

"For the benefit of those who think that Might is Right, we are prepared," the little doctor said clearly. "More than three hundred men have their rifles trained on the riff-raff from the Dew Drop Inn. I trust the warning will be heeded, because the Vigilantes will shoot to kill."

The bar-flies and drifters removed hands from their belt guns. Black Jack Thompson stared at the armed Vigilantes, and his face darkened with rage. For a time it seemed that he would exhort his men to resistance, but Doc Albers spoke softly.

There are twenty rifles pointed at two men, whose names I will not mention," he said evenly. "If any order is given by those two men, they will be riddled by the bullets from twenty rifles!"

Slim Bailey s h u d d e r e d and dropped his shotgun to the dust. Black Jack Thompson set his jaw and then relaxed. Doc Albers smiled and held up a paper.

"I have here the honest results of the election," he said quietly, but all could here his penetrating voice. "Black Jack Thompson received three hundred and twenty eight votes. Jim Brannigan polled eight hundred and two votes. O'Day re-

ceived eighteen hundred and seventy eight votes. Terry O'Day is the first Mayor of Hangtown!"

There was silence for a moment, and then the crowd began to cheer. They demanded that Terrry O'Day appear and make a speech, and O'Day walked out on the platform. Jim Brannigan met him and shook his hand heartily.

"Allow me to be the first to congratulate you, Your Honor," he said quietly. "A younger and better man won the election!"

Terry O'Day thanked Brannigan and walked forward to study the sea of faces below him. Then he began to speak in a slow even voice, thanking the voters, and promising to give his best for their interests. He told them that thousands of adventurers would soon be arriving from the east, and from all over the world. He promised them good clean government, administered by a Council advisor, and then he announced his Council.

"James Brannigan, Tennessee Jackson, Doctor Justin Albers, Zachary Jones, and Ole Thorsen, will serve on the Council!"

BLACK JACK THOMPSON listened and his face grew dark with anger. Many of his men had left the crowd, and had gone back to the saloon. Jim Brannigan walked forward and pointed at the gambler.

"I demand the arrest of John T. Thompson for attempt to defraud at the polls," Brannigan spoke clearly. "Swede Thornsen, do your duty!"

Thompson whirled when a heavy boot crunched the gravel behind him. He slapped for his six-shooter. but his arms were seized in a mighty grip which lifted the tall gambler from his feet and held him high. Swede Thorsen spoke softly to Tex Guthrie.

"Pull his stinger, Tex. By Yumpin' Yimminy, he would look good dancing on air from the hang-tree!"

"Just a moment!"

Terry O'Day held up a hand as he shouted for attention. Then he spoke in stern measured tones.

"We have the names of all men who voted illegally. If they are in town at sunrise, they will face trial before the Kangaroo Court. Release John T. Thompson on his own recognizance!"

Swede Thorsen grinned and set the gambler down. Thompson stood an even six feet, but he was dwarfed by the stature of the giant Swede.

"You appear for trial at eight in the morning, gambler!" Tex Guthrie warned. "Or we'll come and get you shore as sin!"

"This meeting is adjourned!" Terry O'Day announced. "And thank you all for your support. I'll do the very best I can for all, and every man in Hangtown will enjoy equal privileges!"

10

The Duke's Kingdom

JOHANN SUTTER was holding court in a huge room within the adobe stockade his men had built before the discovery of gold in the tail-race of his flour mill. Sutter was dressed in the finery of a Spanish Don, with tight *pantalones* and *bolero* jacket. His hand-made boots were of the finest leather, and reached almost to his knees. Tinkling bells of silver decorated the brim of his wide sombrero, and a gaudy *serape* was draped over his left shoulder.

Jim Brannigan and Terry O'Day were talking with Sutter who was greeting the guests as they arrived from Hangtown. Betty Lou Houston was laughing gaily as she chatted with some young men from the fort. Mormons and their wives from the fort settlement were introducing themselves, and a dozen young Spanish cowboys were promenading in their finery.

"Have you seen Molly?" Brannigan asked O'Day.

"Yonder she comes, with Thompson," O'Day answered moodily. "He's a fine figure of a man, I'll grant the gambler that."

Molly Brannigan came forward

with Thompson and was greeted by Sutter who told them that his house was theirs. Indian servants were preparing a huge banquet, and Sutter had brought out some of his famous wines and liquors.

"I asked you to ride over with the party, Molly," Jim Brannigan re-reproved his daughter gently. "I'm repeating that request when we ride back to Hangtown."

"Anything wrong with my company?" Thompson demanded.

Jim Brannigan shrugged. "We are in another man's house, Thompson," he reminded. "I have made a request of my daughter, and the simple observance of good manners would tell you not to press the point at this time."

"I am a direct man," Thompson said, and his tones were brittle. "I'm asking Miss Molly to allow me the pleasure of escorting her home!"

Terry O'Day had been talking quietly with Molly, and the girl parted her lips and looked distressed as Thompson spoke. O'Day was watching Thompson who waited for Molly's answer.

"I'm ever so sorry, Mister Thompson," the girl said contritely. "But I have just promised to ride back with Terry!"

Jim Brannigan showed his relief but the gambler was not to be denied. He stepped toward O'Day with a scowl of anger darkening his smooth features.

"I brought Miss Molly, and I'll escort her home!" Thompson stated arrogantly. "Or you will answer to me.... *Your Honor!*"

"There are ladies present now," O'Day said soothingly. "We all have a duty to Johann Sutter as his guests. Another time, Thompson."

Johann Sutter bustled forward and invited the guests to drink a toast with him to the new Mayor of Hangtown. Thompson scowled as the party strolled away to a huge table, and Terry O'Day turned when a small hand touched his arm. Betty Lou Houston stared at him accusingly.

"You brought me to the party, Terry," the girl whispered resentfully. "Now you are going to take Molly 'Brannigan home!"

O'Day studied the angry face for a moment before he spoke. He had stopped an open quarrel between the gambler and Jim Brannigan, and had averted a clash between Thompson and himself, at least for the present. Now Betty Lou was forcing another unpleasant issue.

"There are only three women in Hangtown," he answered gently. "Molly Brannigan, Ma Barston, and yourself. There are more than three thousand men, and your father thought it best that we ride in parties."

"I can take care of myself!" Betty Lou said coldly.

"You are very pretty, Betty Lou," O"Day answered. "You are no longer a little girl, so please do be careful. You will excuse me now?"

AS HE MOVED away to join Brannigan and his party, Black Jack Thompson moved closer to Betty Lou. He smiled as he reached for her left hand and asked for the first dance.

"Certainly," Betty Lou granted the favor. "And the last, if you wish!"

Johann Sutter clapped for attention and held up a glass of sparkling wine. "I wish to propose a toast!" he said loudly. "To the health and long life of Mayor Terrence O'Day!"

Five hundred people raised their glasses and drank the toast. Johann Sutter was famous for the extravagance of his hospitality, and he announced that dinner would be served in the Patio just outside. Long tables were laden with beef and pork, fried chicken and fowl, and huge bowls of wine.

Every one had dressed in their best, and while the guests satisfied their hunger, a Spanish orchestra began to play softly. Several pretty Senoritas whirled into the Patio to dance with clicking castinets, and Terry O'Day forgot about Thompson and Betty Lou as he wached the merriment, and accepted the congratulations of friends.

When the dinner was over, Sutter announced that the dance would begin. Then he said that Terry O'Day would lead the Grand March with Miss Molly Brannigan. Betty Lou frowned and turned to Thompson who smiled, and taking her arm, he led her to second place behind O'Day and Molly.

Then came the cowboys with the pretty Senoritas, and the miners who were fortunate enough to have securd feminine partners. The men who were left paired off and lined up for the Grand March, and the orchestra of violins, mandolins and gut-string guitars began to play.

Around the large patio, Terry O'Day proudly led the way with Molly Brannigan. When the Grand March was over, he took the dark-eyed beauty in his arms as the orchestra began to play a waltz.

"*La Golindrina,*" Molly murmured happily. "You dance divinely, Terry O'Day!"

"With you in my arms, I dance on clouds," O'Day said gallantly. "You will save me the *Home Sweet Home* waltz?"

"I was afraid you would not ask me," Molly answered happily. "You will not quarrel with Mister Thompson?"

"I will not start a quarrel," O'Day answered evasively. "Now let us forget other things, and enjoy the happiness of these few moments."

He whirled her as he spoke, and Molly Brannigan responded to his slightest movement. She wore a low cut evening gown of dazzling white silk with a red rose in her dark hair. Silver slippers twinkled on her tiny feet, and she closed her eyes and came close to Terry O'Day.

"Your nearness intoxicates me," he whispered, with his lips close to her ear.

Molly tipped her head to brush his lips lightly with her dusky cheek. Terry O'Day had always been occupied with his business affairs, but now he was showing a different side to his versatile nature.

He stretched Molly's hand behind her supple back, stepped back and drew her to him in a sudden whirl, and caught her lightly within his arms. Then he stepped back a trifle to absorb the impact, and whirled like a top in perfect rhythm.

"Ah," Molly sighed. "I could dance with you forever, Terry darlin'."

"Forever is a long, long time," O'Day warned.

"I know," Molly whispered, her eyes half-closed. "It means...eternity!"

She opened her eyes when the music stopped abruptly. Terry O'Day released her and applauded the music. Molly pouted prettily, and she frowned when Thompson stepped up quickly and reminded her that she had promised him the second dance. As they whirled away, Terry O'Day bowed to Betty Lou.

"May I have the pleasure?" he asked with a smile.

"So sorry," Betty Lou answered coldly. "But I have this dance with Senor Lopez, and here he is!"

She melted into the arms of a handsome young Spaniard, and O'Day walked over to join the stag-line near the tables which held the wine bowls. Old Kit Barston sidled up to O'Day and spoke from the corner of his mouth.

"I hain't a one to meddle," the old hunter began. "But Ma and me will ride along home with that gambler and Betty Lou. She promised to ride home with him.... alone!"

TERRY O'DAY smiled to show his relief. "That takes a load off my mind, Kit," he answered gratefully. "Have you seen young Colt?"

"He's a-watching that gambler," Barston answered. "And drinking more than is good for his years."

O'Day sighed again. "Brannigan and young Colt, not to mention old Tom Houston," he murmured. "One of them will kill Thompson one of these days!"

"You're a-going' to let that blackleg gambler get away with calling you?" Barston demanded quickly.

Terry O'Day shrugged with a smile. "It's up to me to set a better example," he answered carelessly. "I

doubt if Thompson wants serious trouble with me!"

"He's achin' for a ruckus," the old hunter persisted. "He'll bait you into a fight when he has all the advantage. Watch yourself, Terry O'Day!"

"That I will, Kit," O'Day promised, and he moved away to join Jim Brannigan who had gestured with his head.

"Something has to be done about Thompson," Brannigan began abruptly. "I've a mind to challenge him on the field of honor, for the good of Hangtown in general. I'm a fair shot with the duelling pistols!"

"Don't do it," O'Day warned, and then he leaned closer. "Tom Houston does not use duelling pistols, but he's fast and accurate with that Colt .36 he wears on his right leg."

"What's Tom Houston got to do with it?" Brannigan wanted to know.

"There are only three women in Hangtown, Jim," O'Day explained. "Betty Lou has consented to ride home alone with Thompson!"

"We will stay here tonight," Brannigan said thoughtfully. "It will take most of tomorrow to ride to Hangtown. It will be a daylight trip!"

"Sutter is a lavish host," O'Day changed the subject. "It will break his heart if that new city is started two miles from here. I've heard they mean to call it Sacramento!"

"There will be many new towns," Brannigan predicted. "And San Francisco will grow rapidly when the immigrants arrive from the east by ship."

They talked of the new gold discoveries, and the rapid rise in prices. Brannigan said that working men were making fabulous wages, and then he watched a pretty Spanish girl dancing the fandango in the center of the Patio.

"Reminds me of Monterey and of Dolores," he murmured wistfully. "I remember the day when President Polk declared war on Mexico, and now it is all over. Colonel Mason is acting Governor of California, and the old days of *Manana* are passing rapidly."

TERRY ENCOURAGED Brannigan to talk of the old days, to steer Brannigan's mind away from a duel with Black Jack Thompson. Then he was walking swiftly across the floor when he saw Molly pulling away from the restraining hand of the gambler. O'Day arrived in time to hear Molly's last words.

"But I promised this dance to the Mayor, Mister Thompson."

"Little he cares, when he neglects to claim his prize," Thompson answered bluntly. "Please?"

"Pardon me, Sir," Terry O'Day interrupted, and he swung the gambler around with a smile. Then he stepped forward and encircled Molly's waist with his left arm. "I hastened to claim my prize," he told Molly with a boyish grin.

"Careful how you lay a hand on me, O'Day," Thompson said angrily. "It appears to me that your hat does not fit you now!"

"Later, gambling man," Terry O'Day murmured, but Molly saw the swift and deadly light of anger which brightened his dark blue eyes.

Molly deliberately stepped back, forcing O'Day to go along with her. Then she turned to place another couple between them and Thompson who was forced to the side-lines, scowling with impotent rage.

"I'm glad you came when you did, Terry," she murmured gratefully. "I dislike Jack Thompson when he becomes possessive!"

Thompson is accustomed to taking what he wants," O'Day said quietly. "When he is crossed in his purposes, his reactions are inclined to be violent."

"You have been very patient with him," Molly praised warmly. "Do try to hold that patience, Terry."

"Yes, I'll try," O'Day promised, but Molly sensed a difference in his usual manner. As though his patience were wearing thin, and she searched his face anxiously.

"You have something on your mind, 'Terry," she said quickly. "It has to do with Black Jack Thompson!"

"Perhaps," O'Day admitted. "But now let us enjoy the dance. It is the

last one, remember?"

"*Home Sweer Home*," Molly murmured. "I wish we were riding home in the moonlight!"

Terry O'Day tightened his arm and lost himself in the pleasure of the dance. When the music stopped with a flourish, John Morgan came running to O'Day and spoke rapidly.

"There has been a fight, Terry. Please come with me!"

Terry O'Day excused himself and asked Molly not to follow. He hurried to an outer court-yard where a limp figure was lying on the red tiles. O'Day recognized young Colt Houston at once, and he knelt beside the unconscious cowboy.

"What happened?" he asked Morgan.

"Colt and Black Jack Thompson got into an argument," Morgan explained. "Colt was more than half drunk from too much wine. Thompson knocked him down, and Colt's head hit the floor hard!"

"Thompson!" O'Day asked quickly. "What became of him?"

"He rode away on his horse," Morgan answered. "I think he met some one out yonder, but I couldn't be sure!"

Terry O'Day arose and gripped the young printer's arm. "Listen, John," he whispered. "Look about and see if you can find Betty Lou. Say nothing to any one, especially to old Tom Houston. Meet me in the Patio in ten minutes!"

"You think Betty Lou rode away with that tin-horn?" Morgan gasped.

"Let's be sure!" O'Day snapped. "When we know for sure, we will know what to do!"

AS JOHN Morgan hurried away, Doctor Albers came up and leaned over to examine young Houston. The doctor looked grave, and told O'Day he feared the cowboy had suffered a concussion of the brain.

"I'll stay here with him, and have him moved to a quiet room," the little doctor promised. "You can continue your search."

Terry O'Day stopped to speak quietly with Johann Sutter who called to his major domo. Then O'Day circled to the racks where the horses had been tied. He sucked in a quick breath when he found Betty Lou's bay gelding missing, and he turned quickly when Jim Brannigan came from the shadows.

"I've heard the news, Terry," Brannigan said soberly. "I'm for forming a committee, catching up with Thompson, and hanging him under the tree where we catch the scoundrel!"

"I'm for shooting him on sight, but that is not according to Law and Order," O'Day said savagely. Then his face lightred up as he noticed that two other horses were missing. "We have little to fear, Jim," he said more quietly. "Thompson and Betty Lou won't like it, but they will have company. Kit Barston and Ma are right behind that pair!"

"The Saints be praised," Jim Brannigan murmured reverently. "That assures the safety of Betty Lou, but when Tom Houston hears about young Colt, he will start to ride gun-sign on that gambler. Our worries are almost over!"

"Perhaps not," O'Day contradicted. "I happen to know that Black Jack Thompson is mighty fast and very accurate with his six-shooter. But we better ride back to Hangtown tonight, and perhaps we can make our excuses to our host and slip away before the others miss us."

"Molly will insist on riding with us," Brannigan warned.

"I promised I would ride back with her," O'Day said gravely. "I always try to keep my promises!"

"Make another one, Terry," Brannigan said slowly.

"Such as?"

"When you meet Thompson for a showdown, keep both eyes open!" Jim Brannigan said vehemently. "The man is crooked and a rascal!"

"I promise," O'Day answered soberly. "Now I'll make our excuses to the Duke, while you break the news of our departure to Molly. I'll see you in fifteen minutes here by the horses."

11

The Challenge

BETTY LOU Houston smiled roguishly as she rode through the woods along the river trail with Black Jack Thompson. She had changed her party dress for divided leather skirts and high-heeled boots, and she turned to glance back at the lighted windows of Sutter's Fort.

"I had a wonderful time," she told the gambler. "And I love riding in the moonlight!"

"You are very pretty, Betty Lou," Thompson said, and his deep voice was vibrant.

"As pretty as Molly Brannigan?" Betty Lou asked quickly.

"Just as pretty," Thompson answered with a wide smile. "But you are light where Molly is dark. You are impulsive, where Molly is more restrained."

He rode closer and put an arm around the girl's waist. Betty Lou smiled triumphantly and leaned closer. Thompson took the move as in invitation, and his lips brushed the girl's tanned cheek.

Betty Lou recoiled quickly and rubbed her cheek. "You shouldn't have done that, Mister Thompson," she said reproachfully. "Now I am afraid of you!"

"You are very desirable, my dear," the gambler murmured, and there was something in his dark eyes which warned Betty Lou. She reined her horse aside, but the gambler caught her bridle-reins. "Do you find my carresses distasteful?" he asked.

"I believe I'm sorry I came with you alone," Betty Lou whispered.

"Well, you ain't alone, gal!" a husky voice interrupted, and Kit Barston rode out from a clump of bracken. "Me and Ma had to git back to Hangtown, so we'll ride along with you. Hurry along, Ma!"

Thompson stared at the old hunter, and his hand rested on the pistol in his belted holster. "Your horses cannot keep up with ours," Thompson said coldly. "He travels fastest who travels alone."

"So what's keeping you from traveling alone and making better time?" Barston asked bluntly, and Ma Barston rode up and called to Betty Lou.

"We saw you leaving, honey. Kit and I decide to ride along for company. Why howdy, Mister Thompson!"

"Evening, Ma'am," the gambler answered sulkily, and then he turned to Kit Barston. "I saw you talking to Terry O'Day," he accused bluntly.

"So? Did you see me talking to Jim Brannigan, Johann Sutter, and a hundred other men?" the old hunter asked caustically.

But Betty Lou was not to be denied. "You all treat me like a child," she complained bitterly.

"I'm sure that Mister Thompson did not treat you like a child," Ma Barston contradicted, and she did not smile. "I was sure I saw him try to kiss you, and we saw you try to escape!"

"And your father would not like it," Kit Barston added. "Seems to me that Black Jack goes out of his way to stir up trouble!"

"What do you mean by that, old man?" the gambler asked in a low voice.

"Just what I said," old Kit answered stoutly. "You made trouble the day you hit the diggin's. You made trouble at the election, you tried to stir up a riot after they was over, and your crooked votes didn't count!"

"Careful, Barston," Thompson warned. "If you were a younger man, I'd know how to treat you!"

"Don't let my age hold you back none, Thompson!" Barston shouted. "I ain't much on fighting with my maulies, but I got the difference here in my belt. I don't take slack jaw from no Johnny-come-lately!"

"Hush, Kit!" Ma Barston said quietly. "Yonder comes some hoss-backers, and one of them is Terry O'Day unless these old eyes deceive me!"

"Better lope along, gambling man,"

Kit Barston told Thompson. "Terry O'Day ain't burdened none with years, and I've never heard of him backing up airy a step!"

"You never heard of Jack Thompson sucking water either," the gambler said evenly, and he loosened the pistol in his holster.

"Please ride away, Mister Thompson," Betty Lou pleaded. "It would avoid so much trouble!"

"I never avoid trouble," Thompson answered gruffly. "I always meet it halfway!"

"Up to now your luck has been all bad!" Kit Barston said spitefully. "And being a gambler, you should know when to quit. Howdy, Terry. And Jim and Miss Molly."

"Thanks for everything, Kit," Terry said gratefully, but Betty Lou flushed with anger.

"So you did plan with the Barstons to ride after me as Jack said!" she accused.

"That's right!" O'Day snapped back.

"You'll answer to me for this, O'Day," Thompson threatened.

"Any time, but perhaps some one else has prior claim," Terry O'Day said slowly, and he turned to Betty Lou. "Have you seen your brother Colt lately." he asked the girl.

"I saw him an hour before we left the Fort," Betty Lou said resentfully. "Colt had been drinking too much, and he treated me as though I were a little girl!"

"Perhaps he remembered that you were his little sister," O'Day answered gently. "Colt would die for you, Betty Lou!"

"And I'd die for Colt," the girl whispered. "Is anything wrong with Colt?" she demanded suddenly.

Terry O'Day glanced at Thompson and shrugged lightly. "You might ask Mister Thompson," he suggested.

Betty Lou whirled in the saddle facing the gambler. "What about my brother?" she asked, and her voice was tense.

"What about him?" Thompson continued his bluff.

"What about Colt, Terry?" Betty Lou appealed to O'Day.

"He was unconscious when we left," O'Day said sternly. "As you said, Colt had been drinking too much wine. Some one hit him a severe blow, knocked Colt down and perhaps fractured his skull!"

Betty Lou turned to the gambler, and her blue eyes were blazing with anger. "Did you do that to my brother?" she asked in a hissing whisper.

"He attacked me for no reason," Thompson answered coldly. "I merely defended myself against a drunken man!"

"You couldn't have done that to Colt if he had been sober!" Betty Lou declared passionately. "Do you cheat at every game you play, Black Jack Thompson?"

"I resent your insult, but I ignore it because you are a young and foolish girl," Thompson said grimly.

"You cheat at every game you play, Thompson!"

Terry O'Day made the accusation bluntly. He glared at the gambler until Molly Brannigan touched his hand.

"I demand satisfaction!" Thompson said savagely. "Defend yourself!"

"Hold it, Tinhorn!" Jim Brannigan warned sternly. "This time you might say I cheated. I drew cards in a game in which I didn't make an ante, but my pistol covers your black heart. Don't draw your weapon, Thompson!"

"You call this law, and you boast of honor!" the gambler sneered. "A crowd of you long-haired Psalm singers band together to rob men of their freedom. You gang up on a man and then you talk about honor!"

TERRY O'DAY stripped off a skin glove slowly. His handsome face was pale with anger, and he reached out suddenly and slapped Thompson in the face with his glove. Then he spoke quietly.

"Jim Brannigan will second me, Sir. I will give you satisfaction on the field of honor. You have the choice of weapons, and can name the time and the place!"

"I accept the challenge....*Your Honor,*" Thompson said with a sneer. "My second will call on you before noon. The Devil take all of you!"

He whirled his racer and sped away at a gallop, and Jim Brannigan grunted. "Remember your promise, Terry," he reminded. "It came a bit sooner than I had expected. I will act for you!"

"I am going back to the fort to be with Colt," Betty Lou murmured tearfully.

She whirled her horse and rode her back trail before any could protest, and Brannigan remarked that perhaps it was better that way. Kit Barston said that he and Ma had to open their dining room for breakfast, and O'Day said he had business in Hangtown.

"Must you meet him?" Molly whispered.

"He must!" Jim Brannigan answered sternly. "And this time I trust that Terry O'Day will write finis to an unsavory career. I've wanted to kill Black Jack Thompson from the first day he set foot in Hangtown!"

"I'm sorry I disobeyed and rode over here with him," Molly said in a little voice.

"You are your own man, and I didn't worry about you," Brannigan admitted gruffly. "But Betty Lou Houston is younger, and without experience. Tom Houston will prime his guns for war as soon as he hears about young Colt!"

"We best be getting along," Kit Barston suggested quietly. "Black Jack will tell the story *his* way, and I'll want a few words with some of our men!"

"Don't bother Thompson," O'Day said sternly. "The Vigilantes were organized to preserve Law and Order, and not for the purposes of furthering favoritism!"

"Fair play is all we want," Barston answered doggedly. "Like you know, most of Thompson's crowd stayed in Hangtown, while a lot of our men went to Sutter's Fort!"

Terry O'Day made no answer. He rode along in silence, with Molly at his right, and Jim Brannigan rubbing stirrups on his left. He knew that it was inevitable that there should be a clash of personalities in a raw frontier town such as Hangtown. Other towns would spring up like mushrooms when the eastern adventurers arrived in the gold fields. Some men would represent the better element; others would represent the worst.

A slow burning anger tightened the muscles of O'Day's smooth-shaven face, and made him look ten years older than his years. In the Army with Fremont, he had always taken part in the strenuous athletics with his men. Wrestling and boxing, horse-back contests, and matches with rifle and pistol.

In the Navy under Captain Montgomery, he had followed the same course. He had excelled at swimming and diving, had been a champion with the sabers and swords, and could climb the rope rigging with the best of the able-bodied seamen.

Now Terry was wondering about Thompson, and what weapons the gambler would choose. It made little difference to O'Day, except that he now realized his responsibilities, and the example he was supposed to set for the men who followed his leadership.

MOLLY TOUCHED him lightly on the arm and smiled when O'Day glanced at her pretty face with a start.

"A penny for your thoughts, Mayor," she whispered.

"We are having our ride together in the moonlight," O'Day answered. and forced a smile to his grim lips.

Molly Brannigan was not to be denied. "You were thinking about your meeting with Thompson," she corrected gently. "Do be very careful, Terry!"

"I'll help him to be careful," her father interrupted savagely. "I am to act as Terry's second, and I'll kill Black Jack Thompson without a

qualm, if he deals a crooked card from the bottom of the deck!"

Kit Barston was riding ahead with Ma, and he listened and mended the pace. They reached Hangtown just before sun-up, and the Barstons hurried to their place and said breakfast would be ready within an hour.

Nothing was seen of Thompson, and the saloon was closed. Jim Brannigan said that he would ride to his tent with Molly, and Terry O'Day waved and rode to the corral behind his store. Young Dennis Ryan was waiting with a rifle in his brown hands, and a fighting gleam in his Irish eyes.

"We heard the news, boss," Ryan said hoarsely. "Thompson is up to some trickery, and I saw him talking to that law sharp, Zachary Jones!"

"So!" O'Day murmured. "That evidently means that the lawyer will act as the gambler's second. Jones is clever, but I'd say he was honest. Any news from the Yellow Dog since we left?"

"We'll all be rich as Croesces," Ryan whispered. "Swede Thorsen found a chunk of metal weighing nearly a pound. But Terry!"

"Yes, Dennis me lad."

"Gold won't do a dead man much good," the young printer said bluntly. "You say the word and Thompson will be taken care of!"

"That will do, Dennis," O'Day warned sternly. "This is a matter of honor, and even Black Jack Thompson has honor of a kind. He could set fifty of his cut-throats on me, but he won't. I'll brook no interference, and you can tell the men I said so!"

He was stripping his riding gear as he talked, and he turned the weary horse into the small corral. Then he washed in a granite bowl, dried his face and hands, and invited young Ryan to have breakfast with him at Barston's place.

Jim Brannigan was waiting, and his face was grave. He nodded a greeting, remained silent during the meal, and then took Terry O'Day aside where none could hear.

"Zachary Jones called on me, Terry," Brannigan began.

"I know," O'Day answered with a nod. "You came to terms?"

"We did," Brannigan growled. "I'm doubtful, Terry. I discovered that Thompson was the champion of his company with the Army sabers!"

Terry O'Day smiled and shrugged carelessly. "So it is sabers," he murmured. "Thompson has a pair?"

"He stipulated swords, and he has but one," Brannigan explained. "I was hoping it would be with pistols at ten paces!"

"You mean we are each to furnish our own sword?" O'Day asked.

"That's the general idea. Tell me where we would be getting one in this wilderness?"

"In my store-room," O'Day said lightly. "Have you forgotten that I was an officer in the Navy? I have the sword I used under Captain Montgomery; a splendid Toledo blade of the finest steel!"

"You mean you would use a slender rapier against a cutlass?" Jim Brannigan asked with a shudder.

"I've had some experience along those lines," O'Day confided earnestly. "Will we fight to the death, or just until honor has been satisfied?"

"If one party is wounded, he can surrender and make an apology," Brannigan explained. "The winner will then claim the loser's weapon!"

"Splendid!" O'Day applauded eagerly. "What of the time and the place?"

"Sundown tonight, under the hang-tree in the Plaza," Brannigan answered glumly. "I hope Doc Albers returns from Fort Sutter by then!"

TERRY O'DAY frowned at the doubt in Brannigan's face and voice. He said that he would lie down and get some rest, told Brannigan not to worry, and walked slowly back to his room behind the big store.

None saw O'Day until three o' clock that afternoon when he saddled his horse and rode up the river. In a copse of aspens, O'Day stripped

off his clothing and dove into a deep pool. He felt vibrantly alive with perfect health, and the lithe muscles in his arms and shoulders attested to his training and strength.

He wade out on a gravelly bank, rubbed down briskly with a husk towel, donned his clothing, and rode back to town. Men spoke respectfully as they passed, and O'Day noticed unusual activity up at Thompson's saloon. After putting up his horse, he retired to his room and shaved slowly with a straight blade. Then he dressed in his best broadcloth suit, with a white linen shirt under his tailored coat.

Walking to a long linen trunk, O'Day raised the lid. His eyes brightened as he reached down and picked up a beautiful sword encased in its scabbard. O'Day withdrew the blade, whipped it over his head, bent the steel almost double, and then stood at attention.

He glanced at the window as Jim Brannigan entered the room. The sun was a copper ball in the west, and Terry O'Day saluted gravely.

"It is almost the hour of sundown, Jim," he said quietly. "I am ready, Sir!"

12

The Field of Honor

HANGTOWN was bustling with excitement and activity. Most of the men had returned from Fort Sutter, and Tennessee Jackson had evidently called a meeting of the Vigilantes. They surrounded the hang-tree at the east end of the Plaza where crowds had already gathered to witness the duel.

Doctor Albers met Terry O'Day as he left the store with Jim Brannigan. The little doctor was carrying his black bag, and his expressive face told of his anxiety. But he shook hands with O'Day and wished him the best of luck.

Jim Brannigan spoke softly and said that Thompson was coming down from the *Dew Drop Inn* with a mob following him. O'Day said they would wait until his opponent had passed, and he noticed that most of the men following Thompson were armed with rifles as well as with pistols.

"Let us go," O'Day said quietly to Brannigan. "You will make the terms with Zachary Jones!"

Molly Brannigan called from inside the store. When Terry O'Day stepped inside, Molly stood on her tip-toes and kissed him full on the lips.

"The best of luck, Terry darlin'," she murmured, and ran to the back of the store to hide the tears in her dark eyes.

Terry O'Day smiled, but he seemed miles away as he turned to join Jim Brannigan. Tennessee Jackson and Kit Barston followed with twenty picked men, and the party moved down to the hang-tree where Thompson and his crowd were waiting impatiently.

O'Day avoided glancing at Thompson, but he saw that the gambler was dressed for the occasion. Thompson had removed his tailored broadcloth coat, and had rolled up the sleeves of his fine linen shirt. Terry O'Day removed his coat, rolled up his sleeves, and waited.

Jim Brannigan walked to the center of the hollow square. Zachary Jones left Thompson and met Brannigan who carried O'Day's sword over his left arm. Jones carried Thompson's heavy curved saber, and Doctor Albers took his position behind the two seconds.

"It is understood that either opponent can surrender if he is wounded or disarmed!" the lawyer spoke sonorously. "The loser can then make a public apology, or the winner has the option to run him through if he refuses. Is this understood?"

"Perfectly," Jim Brannigan answered with a nod of his shaggy gray head. "If one opponent is wounded, he can call for the services of the doctor. We will allow time for such emergency treatment as the Medico

might deem necessary. If the wounded man decides to continue, the usual rules of the duel will be observed. You agree with me, Counselor?"

"I agree with you," Zachary Jones answered. "May I inspect your weapon?"

"We will exchange blades then," Brannigan said, and offered the slender sword. He took the saber, hefted it for balance, while Jones whetted the Toledo blade with the ball of his thumb. Then both men returned the weapons, saluted each other gravely, and returned to their principals.

"It is the hour of sun-down!" Jim Brannigan announced, and his stern voice rang like a bell. "Neither man has the advantage of the other, with sun in his eyes. Are you ready, gentlemen?"

"Ready!" Thompson answered swiftly, and walked to the center of the square ring.

"Ready!" Terry O'Day echoed, and came up behind Jim Brannigan

THE CROWD listened and watched in a silence that was almost oppresive. Teamsters and miners, bar-tenders and store-keepers. Rivermen from the boats, swarthy Russians from the Coloma diggings, Spanish cowboys from the southern cow countries. Indians from Fort Sutter who watched without apparent interest, but who missed not a slightest detail.

"This is a matter of honor," Jim Brannigan said clearly. "If any man interferes, that man will be promptly shot. The principals know the rules, and will govern themseves accordingly. Gentlemen, are you ready?"

"Ready!" Thompson and O'Day answered in unison.

Jim Brannigan stepped back with the sword over his bent left arm. He proffered the slim blade to Terry O'Day who accepted it lovingly, and with the easy familiarity of a long association.

Zachary Jones performed a similar service for Black Jack Thompson. The gambler grasped his saber firmly, tightened his grip, and swung the wicked weapon over his head. As the two seconds stepped back. Doctor Albers took his position off to one side.

"Attention!" Albers called. "You will face each other at a respectful distance. Present your blades for the salute of courtesy!"

Terry O'Day seemed another man as he took his position and presented his blade high, and in front of his lithe body. Black Jack Thompson scowled at the formality which demanded courtesy, but he presented his saber and touched metal with his opponent.

"On Guard!"

The two men withdrew their blades and stepped back. Doctor Albers seemed a bit confused, but there was no backing out. He gave the go-ahead in the parlance of the Diggings.

"Have at it, me hearties!"

Thompson whirled his saber about his head until the curved blade made a perfect circle of blurring steel. Then he walked forward with mincing steps, hoping to contact O'Day's blade and sheer it off at the hilt with his heavier weapon.

Terry O'Day gave ground, leaping back out of danger. With his sword high in his right hand; his left held for balance like that of a dancer. While his slippered feet danced lightly in little steps too rapid for the eyes to follow.

Then that flicking blade licked out and under the whirling circle of the blurring saber. Thompson lowered his guards as the point pricked his right arm, but O'Day had leaped back and had caught his balance on the thin soles of his dancing pumps.

The gambler stopped his dizzy whirl and began a savage advance. His right foot stamped down at each step, and the heavy saber rose and fell with savage chopping blows. While Terry O'Day leaped lightly from left to right, stepped back and

advanced, and nicked the gambler twice more in the left arm to start a trickle of claret.

"Time," Zachary Jones shouted. "Doctor Albers will kindly attend my principal!"

The crowd began to murmur as the doctor came to the side of the ring where Thompson waited. The action had taken perhaps five minutes, and the rough men of the camp had never seen anything like it. Bruising fist fights and duels with pistols were common enough, but here was something different.

The doctor examined Thompson's slight wounds, sniffed a time or two, and asked the gambler if he wanted to discontinue.

"Hell no!" Thompson declared loudly. "I'm just getting warmed up. On with the duel!"

Jim Brannigan studied Terry O'Day, noted that his man was breathing easily, and seemed eager to renew the fight.

"To the death this time, Terry," Brannigan murmured. "The fellow is a blackguard and a scoundrel. Let your blade drink deeply of his blood!"

"Attend me!" Doctor Albers called. "Positions. On Guard....Attack!"

THIS TIME Terry O'Day took the play away from the gambler. His blade darted out and clashed with the heavy saber. Thompson twisted savagely in an effort to lock the hilts and thus disarm his foe, but the blade slithered beyond his reach. Then it darted forward again like a hissing snake, and the gambler's head jerked to the side as the point of the blade ripped through his right cheek.

Terry O'Day gave the gambler no time to regain his balance. He was dancing like a master now, weaving in and out with quick thrusts of the snaky blade. He marked Black Jack Thompson in a dozen places, and the gambler was showing the results of the strain. His breathing was heavy, his steps slower, and his arms lacked the old snap and recovery.

Terry O'Day forced his opponent back until the gambler could retreat no further because of the human wall of silent watchers. Now their silence was dissipated as they began to call to their favorites.

"Slit his throat, Terry!"

"Bash in his skull, Black Jack!"

Zachary Jones saw the numerous gashes and cuts on Thompson from which the crimson was trickling. The lawyer called for time, but the gambler shouted a negative and shook his head stubbornly.

"I'll kill that dancing dandy!" he shouted furiously, and rtushed into attack with renewed fury.

Terry O'Day smiled coldly and retreated gracefully. He remembered other matches on the deck of the U. S. Portsmouth; battles to the death with savage Indians when charting the wildernesses of the Rockies with Fremont and Kearney. Then his face changed to a mask of cruelty as he turned the tide and again put Thompson on the defensive with a series of lightning thrusts.

Now the gambler was retreating, and trying to keep a wall of whirling steel in front of him. Several times his blades nicked the darting sword, and then Thompson could retreat no farther. He planted his feet firmly and lashed out with a full-arm swing which would have severed the head from O'Day's shoulders had the blow landed.

But O'Day danced lightly away, and then leaped back before Thompson could recover his balance, and draw back his flailing arms. O'Day made a quick lunge and caught the gambler high in the right shoulder with the point of his blade. This time O'Day followed through; then released his deeply-imbedded blade with a side-twist which severed the muscles.

As Thompson's arm began to droop, Terry O'Day made another savage attack on the curved saber. He stepped in close, locked the heavy hilts, and twisted with all the strength of his wrist and forearm.

Black Jack Thompson's saber went flying far over the heads of the

crowd. Terry O'Day stepped back, danced in again, and the point of his sword was at the throat of his now helpless foe. A sudden lunge, and Terry O'Day would have a dead man impaled upon his blade.

Jim Brannigan had duelled with the blades at school, and he shouted for the *coup de grace*. But Terry held his hand as he stared into the glazing dark eyes of his enemy.

"I surrender," Black Jack Thompson said weakly, and he held up his left hand.

Terry O'Day stepped back and withdrew his blade. He held the sword in salute, brought it down in front of him, and waited for Thompson to make public apology.

THOMPSON STARTED to turn away, but Doctor Albers called imperiously. "Attention, Thompson! Unless you do the needful, the bout must continue!"

Black Jack Thompson scowled and pressed his left hand to his bleeding throat. He shuddered slightly, took a deep breath, and spoke reluctantly.

"I make public apology to Terry O'Day," he said slowly.

"Were you defeated fairly?" Jim Brannigan asked loudly.

"I was defeated," Thompson muttered.

Terry O'Day listened and his face hardened. He took one step forward, and his sword flicked up like a beam of light. This time the tempered point rested on the flesh just above the gambler's heart.

"Were you defeated fairly, and by a better man?" O'Day asked quietly, but his deep voice held the vibrating hum of approaching death.

"Yes!" the gambler gasped. "I was whipped fair, by a better man!"

Terry O'Day turned and saluted Zachary Jones with his blade. "My honor has been satisfied, Sir!" he said politely. "Request the Surgeon to give aid to your principal. And to my constituents, I wish to express my sincere thanks. Now if you will excuse me?"

He turned slowly and handed his sword to Jim Brannigan. Then he unrolled his sleeves, replaced his tailored coat, and saluted the crowd with his right hand as he backed away and left the scene of the duel.

The crowd opened respectfully and made way for their Mayor. Terry O'Day walked rapidly to his store, entered by the side door, and found Molly waiting for him. She was in his arms before he could protest, and after holding him tightly while she murmured a little prayer of thanks, she held him at arms-length, and studied him closely.

"You were not even wounded, Terry!" she announced happily, and then her dark face changed. "Thompson.. is he...?"

Terry O'Day shook his curly head. The last dying rays of the setting sun caught the burnished sheen in his dark red hair; it shone like spun copper.

"Thompson was wounded, but not seriously," he said quietly. "I'm not a cold killer, Molly girl!"

"Terry should have killed the spalpeen!" Jim Brannigan said vehemently, and Molly stepped away from O'Day. "Terry had the gambler spitted on the point of his blade like a suckling pig in a fire. If he had leaned forward ever so slightly, Thompson would now be a dead man!"

"I'm glad you allowed him to live, Terry," Molly whispered.

"Faith, and I'm not!" her father roared. "Black Jack Thompson will live to make more trouble, bad cess to the likes of him!"

"He will not make trouble for quite a while," Terry O'Day corrected gravely. "I saw to that when I lost my temper for a moment. I severed the muscles in his right shoulder, and for a time, Thompson will not be dealing the paste-boards!"

Molly shuddered and watched the two tall men. Jim Brannigan said they'd best be getting up to their tent for dinner, and O'Day offered his thanks.

"For acting as my Second, Jim,"

he said earnestly. "I hope you will never have to act in a similar capacity for me!"

"Next time I'll act for a man who will kill that black-leg," Brannigan muttered darkly.

Terry O'Day caught his breath and spoke jerkily. "You mean Tom Houston?"

"I do indeed," Brannigan answered with a grim smile of satisfaction. "Tom has taken up for his son, young Colt!"

"It will have to wait," O'Day said firmly. "Thompson is in no condition to fight with any kind of weapon!"

"And so much the better," Brannigan declared. "You've softened up the spalpeen for them that will surely follow, and the sooner the quicker!"

"Father!" Molly reproved her sire. "You can't mean what you said!"

"I do mean it!" Brannigan argued hotly, and shook his mane of long gray hair. "Black Jack Thompson leads a gang of the lawless, and we're bound to have more trouble. We've called a meeting of the Vigilantes for this very night, and we will be meeting in your store, Terry O'Day!"

O'DAY STARED at the angry man, and his thoughts turned to the celebration at Sutter's Fort. Many of the miners had taken the long trip, and their tents had been unprotected.

"Robbery you mean?" he asked Brannigan.

Jim Brannigan shook with futile anger. "It was well enough when we were all here!" he said hoarsely. "But while we were attending the Fiesta of the Duke over at Fort Sutter, sneak thieves rifled the empty tents, and robbed the sluice boxes!"

"Why was I kept in ignorance of this." O'Day demanded.

Jim Brannigan changed as his stern face softened. "Twas a matter of life and death with you, Terry lad," he said gently. "You needed all your wits to scotch you a snake. We've started to work, and the meeting will begin at eight. Best change your clothes, bathe the face of ye in cold water, and get a bite of sup. The Vigilantes will ride this night, and the tree will bear grisly fruit on the morrow!"

13

The Deadline

TERRY O'DAY was sober of mien as he stood before the called meeting to address the grim-faced Vigilantes. He winced mentally as he thought of the former trials, and of the men who died on the hang-tree. For three hours he had thought deeply about the news Jim Brannigan had given him, and O'Day had decided upon a course. He would ask that the extreme penalty be avoided except in cases where a killing had been involved.

Brannigan sat with the council, watching the play of emotions on the young Mayor's face. Doctor Albers and Zachary Jones sat with Brannigan, but Tennessee Jackson and Big Swede Thorsen had not yet arrived.

Terry opened the meeting, and then called for Brannigan to take the floor. Brannigan arose with his long gray hair sweeping his wide shoulders. His face was hard, and his steady gray eyes were like polished granite.

"When the cats are away, the mice get out of hand!" Brannigan began slowly, and then he told how tents had been robbed, and sluice boxes rifled while the fiesta had been celebrated at Fort Sutter. Brannigan called for vigorous and decisive action, and the miners applauded noisily.

The side door opened suddenly with Swede Thorsen rushing in, followed by Tennessee Jackson. The bearded faces of both men were grimy and dripping with sweat, despite the coolness of the evening. Seven other men followed the two leaders, and Swede Thorsen filled his huge lungs and shouted at Terry O'Day.

"War has come, your Honor! The Hounds attacked us!"

Terry O'Day jumped to his feet as the miners began to clamor with excitement. He raised his hand and

called for order, and the shouting died down. O'Day spoke quietly.

"Explain yourself, Ole Thorsen!" O'Day said sternly. "Who are the the Hounds, and when did they attack?"

"The Hounds ban robbers and bums!" the Big Swede shouted. "We arrested ten men, and the Hounds attacked us and took the prisoners. They killed two of our men, but we killed four of them!"

Terry O'Day stood speechless for a long moment. He gathered from Swede Thorsen's words that the loafers who congregated around Black Jack Thompson's saloon had formed themselves into a band. O'Day wondered if this was Thompson's way of answering the Vigilantes, and he called upon Tennessee Jackson for further information. Jackson was calmer by nature, but now the drawling Southerner was plainly excited.

"There were about fifty of these men who call themselves the Hounds." Jackson shouted. "They jumped us in the dark while we were bringing in ten men for trial. They wore bandanas over the lower parts of their faces, and they killed Tom Benson and Joe Black. We killed four of them, but they had us outnumbered!"

Terry O'Day listened carefully, but his mind was racing. He asked Thorsen and Jackson to take their places with the Council for discussion, and called upon Zachary Jones for suggestions. The lawyer arose slowly and rubbed his long chin thoughtfuly.

"You men realize that I only did my duty when I acted as Second for Black Jack Thompson," he began. "I am aligned with you on the side of Law and Order. I have no proof; nothing but a deep suspicion, but it is my belief that Thompson has something to do with these hoodlums who call themselves the Hounds!"

"We'll hang Thompson!" a big miner shouted, but the lawyer shook his head and held up a skinny hand.

"The forces of Law and Order do not resort to mob violence," he reminded sternly. "We must have proof, and at the present moment, I'd say that Thompson is in his bed!"

"He will be confined to his bed for several days," Doctor Albers added loudly. "Perhaps Jim Brannigan has an idea."

"I have, gentlemen!" Brannigan said, as he stood up. "We have the names of five men who were seen robbing tents and sluice boxes. I suggest that we send a strong force to arrest these men, and that every Vigilante be notified to present himself here fully armed. We will hold a fair trial, and if found guilty, these five men shall be hanged!"

HE TURNED to Terry O'Day and waited for him to speak. O'Day studied the faces of the hard-working miners, and he recognized agreement with Brannigan. Without making comment, he turned back to Brannigan, nodded, and invited Jim to speak further.

"We want no mass hangings!" Brannigan declared earnestly, "but we must protect the workers against the riff-raff who have no visible means of support. That would include this organization who call themselves the Hounds. I suggest that after the trials, we serve warning that they either leave camp, or take the consequences!"

Terry O'Day breathed a sigh of relief. A pitched battle with the drifters would mean that the streets of Hangtown would run red with the blood of honest men. There was also a difference in the attitude of the other men, and O'Day wisely called for a show of hands.

"You have all heard Jim Brannigan's suggestions," O'Day said clearly. "All in favor of carrying out that plan, raise your right hands!"

Every hand in the room went up, and O'Day turned to the Council. "You have your answer, gentlemen of the Council," he said quietly. "You will pick your men for police work carefully. There is a closed room without windows behind my storage rooms in the rear. Bring in your prisoners and place them under a strong guard. The trials will start at eight in the morning. Tennessee Jackson will preside!"

The Council talked quietly for a time while the other Vigilantes talked

among themseves. All were grim-faced and earnest. Swede Thorsen chose Tex Guthrie to help him pick a band, and Kit Barston called a dozen older men to form a band of his own. A knock sounded at the door, and one of the sentries came in and addressed O'Day.

"Number three has just arrived from Fort Sutter, Your Honor!" the sentry announced.

"Tell Tom Houston to come in," O'Day answered promptly, and silence fell over the crowd as they waited for the Texan to enter.

Tom Houston came in with the marks of a long fast trip stamped on his face and clothing. It was evident that he had lost much sleep, and his eyes were red and slitted. Terry O'Day asked a swift question.

"How is young Colt?"

"Conscious now," Tom Houston answered hoarsely. "I've taken up for Colt, but I hear Thompson's crippled some. He's my meat when he gets up off bed-ground. Just wanted you boys to know!"

Shaggy heads nodded with understanding sympathy. Tom Houston sat down heavily beside Tennessee Jackson who quickly explained what had happened in Hangtown. Then Jackson chose Houston to command the men who would guard the crowds during the trial. The cattleman nodded and said he would curl up and get some sleep in an extra bunk in Terry O'Day's quarters.

"We must be vigilant," Terry O'Day said, in closing the meeting. "You men all know your duties, and those of you who have been chosen to make the arrests will get about your work. This meeting is adjourned!"

ZACHARY JONES stayed to talk awhile with O'Day, and Tom Houston excused himself and said he would turn in. The lawyer swallowed, and his large Adam's Apple bobbed up and down in his scrawny throat.

"I have been chosen by the Council to act as Prosecutor, Your Honor," he told O'Day. "As you mentioned, we must have proof, but Black Jack Thompson is behind this gang of hoodlums who call themselves the Hounds. Do you agree?"

Terry O'Day narrowed his eyes as he tried to be fair. "I would rather not say," he temporized. "I could be prejudiced in view of past events. You know the law, and I am willing to abide by the decision of the Council!"

"There will be serious trouble, O'Day!" Jones warned soberly. "It will come when the immigrants begin to arrive from the east by boat and wagon train!"

Terry was feeling the strain of the long day, and he nodded wearily. He suggested that the lawyer get some sleep, adding that he intended to do likewise. After Jones had departed, O'Day went to his quarters where Tom Houston was snoring lustily.

From up in town, O'Day could hear the sounds of an occasional pistol. He smiled as he thought of the methods of the Vigilantes. They would await an opportunity to arrest their men, and when the side door was unlocked, he knew that some of the culprits had been apprehended.

Terry undressed and sought his bunk. He was asleep almost instantly, and he awoke with the first light of dawn, Tom Houston was moving around. The Texan was checking the loads in his six-shooter, and he greeted O'Day soberly.

"Mornin', Terry. I'll have breakfast with you at Ma Barston's if you don't mind. I'm a new man after a good sleep, but tell me. Why didn't you kill Thompson when you had the chance?"

Terry O'Day turned and waited until the Texan looked squarely at him. "That's a good question, and something we should all remember, Tom," he answered quietly 'We have banded together to preserve Law and Order. In so doing, we must lay aside our private quarrels, and our personal vengeances. We must act for the best good of the greatest number, and not allow our personal feelings to get the best of our judgment. I was tempted to kill Thompson, but that is not the way of the law, or according to the code of Honor!"

"I get you, Terry," Houston said slowly. "You are telling me not to pick a quarrel to kill Thompson, after what he did to Colt and Betty Lou. You are asking me to help the forces of law, and to let Nature take its course with that black-leg gambler!"

"That's right," O'Day agreed. "Do you find it hard to do?"

"Not too hard," Tom Houston answered with a wry smile. "Colt will be on the mend shortly, and Colt don't need any one to do his fighting chores for him. You ready for breakfast?"

Terry nodded. He had his answer, and he knew what would happen when Colt Houston and Thompson had recovered from their injuries. He talked with Houston about cattle and hogs as they walked to the dining tent, and Houston said that he had made arrangements with some of the Indians from the fort to freight in the meat carcasses to O'Day's new storage building.

Ma Barston served the two men ham and eggs, flapjacks with blackstrap syrup, and strong coffee. Kit Barston stopped to tell O'Day that four men had been arrested, and that two more of the ruffians had been killed the night before. The old hunter passed quickly along, and after their meal, Houston and O'Day walked out of the tent and proceeded to the Plaza.

The face of Terry O'Day hardened as he turned to stare at the tent saloon at the other end of the Plaza where men were shouting and raising a bedlam. Tom Houston smiled coldly and pointed with his chin at the armed men who were already surrounding the out-door court-room. Tennessee Jackson had placed his men on all the little hills, and O'Day consulted his fine gold watch.

"It lacks a half hour until eight," he said slowly. "I have a feeling that these trials this morning will leave a lasting impression!"

Swede Thorsen came to speak for a moment, reporting that he would bring the prisoners down promptly at eight o'clock. O'Day nodded, and was soon busy with other men who had charge of different details.

TENNESSEE JACKSON was seated behind the little table in the big freight wagon when O'Day and Houston arrived for the trial. But something new had been added, and Zachary Jones occupied a seat near the table on which he had placed several law books, and a voluminous sheath of papers. This time Jones would serve as the Prosecutor, and he greeted the Mayor with professional dignity.

"I will ask for the extreme penalty, Your Honor!" he told O'Day. "I will have something to say of extreme importance about the man responsible for all this outlawry!"

Terry O'Day looked surprised, but he made no comment. Swede Thorsen was coming down the street with the four prisoners surrounded by fifty picked men. Another marching contingent left the Dew Drop Inn and marched down to the hang-tree with shouts and jeers. O'Day counted more than a hundred of the roisterers, and he caught the exchange of glances between Tennessee Jackson and Zachary Jones.

Almost every man in town was at the trials, and Tennessee Jackson wasted little time in preliminaries. He called the four prisoners by name, cited the charges, and leaned back when Zachary Jones stood up. The four prisoners shouted at their friends in the crowd, but they subsided when Jones called them by name.

"Charley Taylor, William Brown, Eli Saunders, and Harry White. You are accused of stealing from the tents of hard-working miners, and we have witnesses who saw you perpetrate your crimes!"

The four men grinned as the various witnesses gave testimony against them. The jury listened carefully, evidently enjoying the legal phraseology of Zachary Jones, who was now one of them. When the prosecution rested, Tennessee Jackson called upon each man to make a statement. Each in turn stood up and answered: *"Not Guilty!"*

Zachary Jones called Eli Saunders to the stand and placed him under oath. Then the lank lawyer pointed

a finger at the accused and spoke sternly.

"Is it not true that you sold gold dust to a certain man for ten dollars an ounce?" he shouted.

Eli Saunders stared with his jaw sagging. "I won that gold playing poker," he muttered.

"I did not ask you where you got the gold!" Jones thundered. "Did you or did you not sell gold dust for ten dollars an ounce?"

"I sold some," Saunders answered defiantly. "Anything wrong with that?"

"Nothing, except that gold is worth a trifle more than twenty dollars an ounce; twenty dollars and sixty seven cents, to be exact. Why did you sell it for less?"

"I needed the money," Saunders answered with a grin. "I got to eat, don't I?"

"Not for long!" Jones answered dryly. "You sold more than one hundred ounces of raw gold for ten dollars an ounce, and we found the money in the same sack which had held the dust. That sack was stolen from the tent of Conrad Graham who has identified it. Now who bought the gold from you?"

"I ain't telling," Saunders snarled.

ZACHARY JONES called each defendant to the stand in turn. Each told the same story, and in each case the money and the stolen sacks had been found on the prisoners at the time of their arrests by the Vigilantes. Zachary Jones made his summation to the jury, and they filed out to talk among themselves.

Ten minutes later they were back in their seats, and Tennessee Jackson asked the foreman if they had reached a verdict.

"We have, Your Honor!" a tall bearded miner answered solemnly. "We find the defendants, and each of them, guilty as charged. We strongly recommend the extreme penalty!"

The crowd grew silent as Tennessee Jackson nodded and stared at the four prisoners. Only a few of the rowdies gave catcalls, but they were quickly silenced by stern-faced Vigilantes who patrolled the throng.

"The prisoners will arise and face the bar!" Jackson said grimly. "Again I call your attention to the fact that a certain element is covered by more than two hundred loaded rifles. I sentence you, and each of you to be hung by the neck until you are dead. And may God have mercy on your sin-sick souls!"

"You can't do this to us!" Eli Saunders screamed.

"Have you anything to say before sentence is carried out?"

"We sold the gold to Black Jack Thompson!" Saunders shouted.

"You killed a man last night!" Jackson said sternly. "William Brown killed another Vigilante who was doing his duty. Black Jack Thompson is not on trial in this court!"

The four men were led away, and placed upon empty whiskey barrels under the grisly hang-tree. Tom Houston and his cowboys spurred their horses and jerked the barrels from under the terrified robbers, and moments later Doctor Albers pronounced the culprits dead.

Terry O'Day stepped forward and held up his right hand. The rowdies were muttering threats, but they were afraid to make any outward show of resistance. Several hundred rifles were covering them, and they listened as Terry O'Day made an announcement.

"We have the names of two hundred men who are members of this organization known as the Hounds!" O'Day announced. "These men have no visible means of support, and it is the order of the Council that they leave Hangtown at once. Any of them found here at sundown, will receive the same fate as has just been dealt out to their companions in crime, dangling from the hang-tree. Remember, Hounds. Sundown is the Deadline!"

14

The Big Fire

WHISPERING crowds of men patrolled the streets of Hangtown with rifles in

their gnarled hands, an six-shooters in their belted holsters. Furtive-faced loafers were leaving town by what means of transportation they could find.

Many miners had returned to their claims in the diggings, but the Vigilantes were on guard. Nothing had been heard from Black Jack Thompson, but the drinkers in his tent saloon were less noisy than usual.

Sundown was approaching, and the miners returned from their claims. All were fully armed, and there was none of the usual levity or rough banter.

Tom Houston and Tex Guthrie rode with a dozen picked cowboys along the winding dusty street. There was no bullying apparent, but Houston reported to Terry O'Day that more than two hundred men had already left for parts unknown.

O'Day knew that something unusual was afoot, but he wisely kept silent and tried to solve the puzzle. It was dusk when he walked from Ma Barston's dining tent with Jim Brannigan. O'Day frowned and turned to stare at the west end of the Plaza as he smelled smoke.

"There's a fire!" he called to Brannigan.

"Yes, quite a fire," Brannigan agreed calmly. "And I don't see any of the boys rushing to put it out. Why look, Terry. It's that tent saloon going up in flames!"

Now Terry O'Day had his answer. He stared at Brannigan accusingly, but the older man smiled and refused to show shame.

"You knew about this, Jim!" O'Day said sternly.

"Well, not definitely, you might stretch a point," Brannigan argued lazily. "Sometimes it's a good idea to look the other way, and this seemed like one of those times. Will you join me in a social drink?"

Terry O'Day stared at Brannigan and asked about Black Jack Thompson. Brannigan smiled and said that Thompson had left Hangtown in a freight wagon . . . for his health.

"Tim O'Toole has started a working-man's saloon," he explained. Tim O'Toole is no Fancy Dan," he explained. "He's as Irish as Pat's pet pig, but he's honest. Did I say that Tim was a Vigilante?"

"You didn't, but I know Tim," O'Day answered with a grin.

He watched for a moment while the flames leaped high at the far end of the Plaza. He knew that whiskey barrels had been opened and consigned to the flames.

"The men will have their drinks," Brannigan said thoughtfully. "But they will not be robbed in Tim O'Toole's place, and I'm repeating the invitation I made you not long since."

"And I'll accept with thanks," O'Day agreed. "I'm glad Thompson left town before young Colt Houston recovered his health."

"I'll make you a small wager, Your Honor," Brannigan said, and his face was serious. "I'll wager you five to three that Colt Houston seeks Thompson out in due time!"

"I'll not wager on what I know full well," O'Day said goomily. "But Thompson is no novice with firearms, and we know that he is a sure-thing gambler!"

"There's not a man-jack in town who wouldn't help young Colt," Brannigan declared, but again O'Day shook his head.

"He's prideful, is Colt," he argued. "He has a high sense of honor, and he will try to go it alone. Best warn Tom Houston and tell him to side the boy close for a time!"

THEY ENTERED a new big tent where Tim O'Toole had set up tables to form a long double bar. The smiling Irishman met Brannigan and O'Day at the entrance, shook hands heartily, and said the drinks were on the house. "I'm calling me place of business the *'Shamrock Saloon'*, and I'll conduct it honest!" he assured O'Day.

"I'm sure you will, Tim," O'Day agreed. "Have you a bit of brandy, by any chance?"

"That I have now," O'Toole answered happily. "And there will ble no cayenne pepper and cut plug put in me whiskey. This way, gentlemen."

He led the way to a smaller tent behind the big one, produced a flask

and glasses, and set them proudly on a small table.

"Pour your own libations, gentlemen," he invited. "And may your shadows never grow less!"

Terry O'Day smiled with the first feeling of security he had known in many weeks. He could see the flames leaping high up at the west end of the Plaza, but he asked no questions about a matter which was so plainly obvious. Small bands of men were heaping trash on the site of Black Jack Thompson's saloon. Old tents and filthy hovels which had housed those drifters who had made up the "Hounds".

Jim Brannigan poured a drink and held it in his hand until Terry O'Day and Tim O'Toole had followed his example.

"Here's to a cleaner and more peaceful Hangtown," he toasted.

"Mud in yore eyes, gents," O'Toole answered, and downed his drink. "With the Mayor and Council we have, the Diggings will do well, I'm thinking."

Back in his office once more, Terry O'Day was making a mental inventory. Hangtown was less than four months old, but now the population had grown to more than three thousand. It would grow many thousands more in the months to come still left in the year, and besides the raw wealth from the diggings, many stores and places of business were thriving.

Sutter's Indians were cutting timber for the Duke's lumber mill. New stores and houses were being built, and the Council had even gone so far as to lay down simple laws for sanitation. Gold was being panned in increasing quantities, and many merchants were accepting dust and nuggets in lieu of cash.

O'Day glanced at the small old safe he had brought from San Francisco. It was the only one of its kind in the gold-fields, and was under constant guard. Now the safe was bulging with virgin gold; the escort carried the metal to San Francisco every two weeks.

The side door opened abruptly and Dennis Ryan rushed in, his eyes wide and bright with excitement. "We've hit a ledge of gold!" he whispered hoarsely, and laid two chunks of yellow metal on the table before O'Day. "What will we do with the gold, Terry?"

Terry O'Day examined the samples and hefted them appraisingly. Then he studied a moment and spoke guardedly.

"If there is that much metal so close to the surface, there must be untold wealth far below the ground, Dennis. We will see Zachary Jones in the morning, and have him draw up papers of incorporation. In that way, we will all be protected for all time to come, as well as our heirs and assigns!"

"I get to thinking about you, boss," young Ryan answered admiringly. "When I'm working on the claims. While other men dig in and go crazy you look ahead and figure things out!"

"It won't be too long before California is admitted into the Union," O'Day said gravely. "She will be the thirty-first State, and there is more than just raw gold. There will some day be tremendous cities and vast farms. This will mean industry and commerce. Railroads will be built, and ships will come from all parts of the world!"

"Mebbe so, but what about this gold that's piling up?" Ryan asked. "Now that Thompson and his Hounds have been run out of Hangtown, they will reap a rich harvest on those men who try to take their gold to the city!"

"I was thinking of that," O'Day confessed. "Before those thugs can get organized, we should send a big shipment of gold to San Francisco, and we will do it tomorrow. Under an extra heavy guard, of course. I've sent for Thorsen and Houston, and they should be here any moment now."

"Yonder comes Swede Thorsen," Ryan answered, and a moment later Thorsen came into the office. A horse stopped at the rail, and Tom Houston dismounted and followed Thorsen inside.

TERRY O'DAY talked quietly and outlined his plan. Twenty men would take the gold as far as Sutter's Fort, where they would be met by as many Indian soldiers who would accompany them down the river to San Francisco. Tom Houston's weathered face lighted up.

"I hope Thompson makes a try," he said feverishly. "I'll give orders to my men to shoot any Road Agent on sight!"

"You forget that Thompson is an invalid now," O'Day reminded the Texan.

"I'm not forgetting that the rains will set in next month," Houston answered doggedly. "Travel will be difficult then, both by road and by river!"

Terry smiled and nodded. "I've supplies on the way now," he said quietly. "Twenty big freight wagons will leave the city today, and you will meet them en route."

"That fire is still burning some," Houston remarked with satisfaction.

"I hope we have seen the last of Black Jack Thompson," O'Day said gravely. "Now you organize your men and be ready to leave early in the morning, and give my best regards to young Colt."

Tom Houston nodded and left the office with the giant Swede. Dennis Ryan went back to the claims. O'Day was about to retire when a horse galloped up to the rail, and a rider dismounted and knocked on the door.

Terry O'Day loosened his pistol, looked through a window, and called an invitation to enter. A young Spanish cattleman came in and flashed a wide smile at O'Day who greeted him cordially.

"Carlos Osuna! Come in and rest a spell. How is everything on Rancho Lomita?"

"Everything is fine, amigo," the young Caballero answered happily. "But I come to you for advice, my friend. You will talk to Carlos, no?"

"Why, of course, Carlos," O'Day answered heartily. "You will sell many cattle and horses, but don't tell me that you are also digging for the gold!"

"I do not dig, Senor," Osuna answered quickly. "I have the so big Rancho as you know. I pay my *vaqueros* well, but there is another matter. I am in love, Senor Terry!"

"No!" O'Day said with a smile. "Again?"

"This time it is the last!" Osuna assured O'Day. "How old am I, Senor Terry?' '

"Twenty-five years old," O'Day answered promptly. "You are five-feet ten, you weigh a hundred and sixty pounds, you are a wealthy Ranchero, so why not be satisfied?"

"I will never be satisfied without her, Senor," Osuna declared earnestly. "She is so beautiful, and she rides like a Goddess!"

"Do I know the Senorita?" O'Day asked.

"Of a certainty you do, Senor," Osuna answered emphatically. "How should I speak to her father?"

Terry O'Day scratched his head and studied the young Spaniard. Carlos Osuna was a member of one of the oldest families in California, and they had come originally from Spain. He was very handsome, and had much to offer the girl of his choice.

"First, I would speak to the Senorita," he advised Osuna.

"But I have spoken to her," Osuna assured him. "She likes me, but she is not sure of herself. I know I can win her, but I do not know how to approach her father!"

"And you say I know her well?"

"Of course," Osuna answered quickly. "Everyone knows the so beautiful Senorita Betty Lou!"

TERRY SAT up straight with his lips parted a trifle. "Now I remember," he said. "You danced with Betty Lou at Sutter's *baile!*"

"I have seen much of her since then," Carlos Osuna answered happily, and then his handsome face darkened. "I would take my men and hunt down that Senor Thompson, but he has left the country!" he said in angry tones. "My thanks to you for helping Senorita Houston!"

"How is her brother?" O'Day asked soberly.

"Colt is almost recovered," Osuna assured O'Day. "He and I are the good friends!"

"If you and Colt are *amigos*, you shouldn't have any trouble with Tom Houston," O'Day said thoughtfully. "You are both cattlemen, and have much in common!"

"You will say a good word for me?" Osuna pleaded. "With the Senor Houston?"

"That I will, Carlos," O'Day assured the smiling young Spaniard. "And I wish you the best of luck!"

Carlos Osuna left the store, mounted his horse, and galloped up the street. Rancho Lomita was ten miles from Hangtown, in the foothills of the high sierras. O'Day knew the place well. Unlike many of the huge ranches which had been Mexican Land Grants, the father of Carlos Osuna had paid cash for his land. Rancho Lomita comprised ten square leagues, or almost forty-five thousand acres of rolling range.

The hour was getting late, and Terry O'Day put out his light. Then he sat for a long time in the darkness, thinking of the future of the new California. He had been to the Pueblo of Los Angeles, and to the sleepy village of Monterey, now the capital. He had known San Francisco as the Mexican shipping port of Yerba Buena, and had seen the "Diggings" when most of them were a part of New Helvetia, the kingdom Johann Sutter had envisaged when he had given himself the title of Duke.

There were unguessed riches in the rock-ribbed hills, but Terry O'Day was a man of vision. He could picture a greater California for the future, with fine seaports all along her coast, where Clipper ships would unload their cargoes to supply the wants of the millions who would swarm from the east, and from all over the world. There would be exports to send back in those same ships; things beside hides and tallow, and raw yellow gold.

O'Day thought of his first ventures as a merchant. It hadn't required much money because the Eastern firms had shipped goods on consignment. The profits had been good, and a man who attended to business could soon become a person of substance. The store in San Francisco was doing a splendid business, and served as a supply depot for his stores at Fort Sutter and here in Hangtown.

Terry O'Day sighed and prepared for bed. He had never been a wastrel, telling himself that he had always been too busy. There had been few women in his life, and these had been mostly the wives of his associates who had always been older men. He dropped a boot to the floor and sat staring into the darkness.

15

Road Agents

TOM HOUSTON gave orders to his armed escort in front of the O'Day Mercantile Company store. All were heavily armed, and most of the bearded men had served in the army in the war against Mexico. Three pack horses were heavily laden with the gold for San Francisco, and the men chosen to escort it would receive twenty-five dollars a day for their services.

"I'd feel better if you went along this trip, Terry," Houston said quietly. "You haven't been to San Francisco since you brought up your printing press, and several ships are due to put in at the harbor."

"I intended to make the trip with you, Brannigan can take charge of things here until we get back. I'm ready whenever you give the word!"

Jim Brannigan had been watching the preparations, and he hawed in his throat and swelled his big chest. Day by day he was coming to a realization of Terry O'Day's fairness, and Brannigan said that he expected no trouble, now that the Hounds had been driven from Hangtown.

Terry smiled and led out his saddled horse. Tom Houston had placed his men according to their abilities, and lanky Kit Barston rode out in advance to scout. Little would miss the old hunter's trained eyes, and Tex Guthrie stayed close to the pack horses and their burdens of virgin

gold.

The start was made at six-o'clock, and miners waved at the procession from their cabins and tents. Then Hangtown was left far behind, and the first stop would be at Fort Sutter. The bracing air turned warm by mid-morning, and coats were tied behind cantles for comfort.

A stop was made at Wolf Creek for the noonday meal which Kit Barston had prepared before leaving Hangtown. The horses would be rested for two hours, and Houston put out a guard just to be on the safe side. Kit Barston ate in silence, filled his old pipe with cut plug, and smoked thoughtfully.

"I ran across some sign up ahead aways, Tom," he said to Houston in a quiet voice. "Fresh sign, like a party of men rode that away early this morning. When we get to a-movering, best tell the men to keep their eyes skinned."

Tom Houston listened and watched the hunter's bearded face. Kit Barston did not seem excited, but he too old a hand to spook unless there was a real threat of danger.

"Like as not some of those drifters," Houston said carelessly, but he was watching Barston closely.

He saw the old hunter's nostrils flare for an instant, and Barston removed his pipe from his bearded lips. "These men are well mounted and well armed," he said in a husky whisper. "They divided into three groups as though they had a plan. If they have, it concerns us and this load of gold we're a-taking out!"

Tom Houston sat up and gave serious attention. "You made a count, Kit," he said slowly. "About how many?"

"About forty-five, more or less a man," Barston answered briefly. "Fifteen in each party, and we've got to enfile through a pass about two hours after we leave here!"

"You and Terry take five men and scout up ahead," Houston told Barston. "I'll warn the men after you ride off. I know you've picked your party; saw you talking to some of the boys."

Barston nodded and stretched to his feet. He tightened his cinches and looked to his weapons. Five other men were also making ready, and Tex Guthrie came to Houston and spoke quietly as Barston's party rode away.

"Old Kit found something, Tom," Guthrie said slowly. "You think it means a fight?"

"Like as not," Houston answered grimly. "I don't expect trouble untill after we left Fort Sutter. Tell the men to look after their weapons, and to get ready to ride!"

THERE WAS no visible excitement as the hardy adventurers heard the news. Many of them had seen Kit Barston reading sign, and there was a certain grimness about the way they rode with rifles ready across their knees.

An hour passed without incident, and then the stillness of the forested hills was shattered by the distant bark of rifles. Tom Houston listened until the answers came; the sounds of many rifles rearing thunderously.

"Ole Kit and Terry must have reached the Pass and forted up," Houston told Guthrie. "You've got five men to guard the treasure; I'll take the rest and ride on to help old Kit!"

Tex Guthrie's cowboys closed around the pack horses as Houston shouted an order and galloped away at the head of his men. The trail led away from the river, and ten minutes later Houston could see the flash of rifles up ahead. Wily Old Kit Barston had sneaked into the hills above the pass, and he was pouring a volley at the men who had taken refuge behind rocks just inside the high-walled gorge.

Houston's men left their horses and crawled forward, finding what cover they could. Now the battle was joined, and the fight settled down to duels between the men closest each other.

Tom Houston gave orders to his men and slipped back to join Tex Guthrie who had driven the pack horses into a blind wash.

A new burst of firing broke out, and Guthrie jerked about in the saddle as shots came from his back trail.

"They've got us surrounded, Tom," he shouted. "Another bunch just rode up from the south, and one from the north!"

Tom Houston wiped the sweat from his dripping brow. Then he gave orders for every man to hunt cover, and the fight settled down to sniping duels as the afternoon wore on.

"We're sunk if they pin us here until dark," Guthrie whispered hoarsely. "They've got us outnumbered badly. We can't be more than fifteen miles from the Fort, but it might just as well be a hundred!"

"We could use those twenty Indian soldiers," Houston said wistfully. "Not only that, but they know every foot of the country. Some one planned this ambush, Tex!"

"Yeah, even if he is down on bedground with his head under him," Guthrie answered bitterly. "I knew we'd have trouble with Black Jack Thompson!"

"We don't know for sure," Houston argued. "If we can hold out until dark, one of us might slip through their lines and get to Fort Sutter for help!"

"Kit Barston might do it, but he's holed in above the pass," Guthrie said worriedly.

"Somebody mention my name?" a quiet voice asked dryly, and Kit Barston's coon-skin cap arose from behind a clump of bracken.

"You shouldn't ought to coon through the grass that away, Kit," Houston warned the old hunter. "Tex or me might have killed you by mistake!"

"Not a chance," Barston contradicted gruffly. "I laid there quite a spell listening to you and Tex palaver. I had a bead on the both of you, and some of those renegades might do the same thing. We've got to have help, or that crowd of robbers will rub us out to the last man!

"I hate to ask this, Kit," Houston began hesitatingly, but Kit Barston cut him short.

"I'm way ahead of you, Tom," he said gruffly. "I'm on my way, so you pass the word along to the men to make every shot count. I left my horse up above the pass, and Terry O'Day is in charge. I'll steal another one before long. You'll know I'm coming back when you hear some war-whoops!"

"I hate to let you do this, old-timer," Houston whispered, and then he stared at Tex Guthrie. "Where did that old mountain cat go?" he asked in a husked voice.

Tex Guthrie smiled. He pointed to the thicket of bracken from which Kit Barston had made his appearance. Tom Houston stared, watching for some slight movement of the brush-tops. Then he shook his head and spoke with renewed hope.

"He'll make it, Tex. I never saw a redskin who could slip away that fast, and without making a sound."

HE STRAIGHTENED his shoulders and drew a fine bead with his rifle. A man screamed as the rifle roared, and then Guthrie pressed trigger to finish what Houston had started when the wounded man started to run.

Houston grunted and jerked slightly to the left. Guthrie was at his side, but Houston shook his head and smiled gamely.

"Just a nick on the shoulder," he minimized his wound. "We should have hung every one of those drifters instead of giving them a chance!"

An hour passed, and the shadows began to lengthen. Tex Guthrie had passed the word along where he could and the fight settled down to an endurance contest. Guthrie remarked that the snipers seemed to be getting closer, and he wondered if the attackers knew where the pack horses were held.

"If they do, they'll rush us about dark," he told Houston, who had managed to get a bandage on his flesh wound.

"Listen!" Houston warned in a whisper. "Listen hard!"

Tex Guthrie listened and then pressed an ear to the ground. He could hear the thud of many hooves, and when he raised his head, he heard the unmistakable yell of an Indian.

"Old Kit couldn't have made it to

the Fort yet!" Guthrie told Houston excitedly. "But there's a bunch of war-whoops riding this way, or I'll be a Gentle Annie!"

The stubborn defenders renewed the fight as they heard the screams of the hard-riding Indians. Then heavy Buffalo guns began to thunder viciously, and Tom Houston smiled coldly and shouted an order to his hidden men.

"They'll break and run soon! Take a toll when those bush-whackers try to make a get-away!"

The miners stopped firing as the whoops of the Indians sounded louder. Now every man was waiting for a sure target, and then the bush began to crackle. Several men broke from cover on running horses, but a withering volley from the waiting miners emptied saddles to send stampeding horses through the brush.

Now other men began to appear here and there on foot, and Tom Houston's men took a savage toll. Then a new note was added from the south as firing broke out down below the Pass. Tom Houston cocked his head to listen.

"Them are cowboy yells!" he said confidently. "But they're using a furrin' tongue!"

Up above the pass, Terry O'Day was giving orders to his four men. They too had heard the whoops of the Indian soldiers, and they had added to the toll of dead when some of the panicky attackers had broken from cover.

"Listen!" O'Day said sharply, as a yell rang out clearly from the south. Then he smiled and told every man to look to his guns.

"Those are *vaqueros,*" he explained. "And I'll bet Carlos Osuna rode out to give us a hand!"

NOW THE fight became a rout as the Indian soldiers drove in from the north, with the Spanish cowboys cutting off escape to the south. Here and there a man would run from cover through the pass, and blazing guns would thunder to mete out swift frontier justice.

Terry O'Day spoke quietly to his men; told them to hold their positions. Not a man of then had sustained an injury because of the natural breast-works of rocks behind which they were crouching. Now the shouting was much closer, and Terry O'Day stared at a patch of white which appeared suddenly from a thicket of bracken.

"We surrender!" a hoarse voice shouted. "Don't shoot!"

Before Terry O'Day could shout an answer, a furious burst of firing rattled from the brush behind the bracken where he had seen the white flag. Almost instantly a shouting group of hard-riding *vaqueros* rode through, and O'Day shouted to their leader.

"Hold your fire, Carlos. Terry O'Day speaking!"

"*Hola, Amigo!*" Osuna shouted back. "We came just in time. You are safe, Senor O'Day?"

"Coming right down!" O'Day shouted his answer, and he gave orders to his men to bring up the hidden horses.

Then he was sliding down a steep trail to thank Carlos Osuna and his *vaqueros.* Some were Indians, others were Mexican or Spanish, but all were superbly mounted and fully armed. Terry O'Day stared when he recognized a familiar figure with Osuna.

"Colt Houston!" he shouted a greeting. "Glad to see you again, cowboy!"

"Howdy, Mister O'Day," Colt Houston said cordially. "You see anything of old Tom, my Dad?' '

"He's up aways with the treasure," O'Day answered. "Let's ride up and see if they are all right!"

"We killed a lot of those Hounds, Terry," Colt Houston said grimly. "We got eight in that last bunch before we saw that white flag they was waving at you!"

"I saw them!" Carlos Osuna interrupted. "One man was waving this white rag, while the other seven had their rifles ready to shoot you and your men if you came from cover. So . . .?"

"You mean they'd have shot us from behind that white flag?" O'Day asked incredulously.

"They meant to kill you!" Osuna repeated. "We got worried when no word came from you, so Colt and I decided to ride out and meet you. The Indian soldiers had already started, so we decided to ride south and cut off any escape if you were attacked!"

O'Day shuddered and drew a deep breath. They passed many dead men as they rode through the pass and along the trails where Tom Houston was waiting. Houston was surrounded by at least twenty Indian soldiers from the fort, and Kit Barston was prominent among the redskins. Houston turned and saw young Colt.

"Howdy, boy!" he yelled. "Are you all right, yearlin'?"

"Right as rain, and twice as happy!" Colt Houston answered his father. "I emptied several saddles myself, and that makes me feel better for missing the fun in Hangtown!"

"It wasn't much fun," Tom Houston growled, but his big arm gripped the shoulder of his son. "We'd have been dead ducks if you and the soldiers had not come down to help. Howdy, Osuna!"

"Buenos Tardes, Senor Houston," Carlos Osuna answered politely, and then he spoke in English. "I hope I find you well and in good health, Senor," he added.

"Just a scratch on the shoulder," Houston grunted. "You've got a good bunch of *vaqueros* with you, Osuna," he added. "Now I know how come all the shooting south of the pass."

"We got a dozen or more of them, Dad," Colt Houston said quietly. "Looks like you and the soldiers got even more at this end. Almost as good a job as the Vigilantes could have done!"

"All my men are Vigilantes," Tom Houston said quietly. "We took ten prisoners; the rest are all dead!"

"There's work for those ten prisoners," Terry O'Day spoke up gravely. "Put them to work with picks and shovels. They can bury their companions in crime!"

"You and your men will have to get on to the fort," Colt Houston told O'Day. "Carlos will leave several men, and the Sergeant there can order a squad of his men to guard these Hounds."

"And after that?" Terry asked quietly.

"We will try them at Fort Sutter," Carlos Osuna said briefly. "It will be dark by the time we reach the fort. Shall we ride, *Senores?*"

16

Six Shooter Trouble

TERRY O'DAY was stopping over at Fort Sutter on his return from San Francisco. He was having dinner with Johann Sutter who reported that Hangtown was providing a good market for his meat. They talked of sailing ships and commerce, of business in the city, and Sutter furnished news from the camps.

"I am worried, my friend," Sutter said slowly. "A new city has sprung up just two miles from here. They call it *'Sacramento City'*, and they are selling lots and laying out streets!"

"But you have the things they will need," O'Day comforted Sutter. "Lumber, grain, and meat. You will be a very wealthy man!"

Sutter sighed as he nodded gloomily. "But I dreamed of a Kingdom of my own," he mourned. "Now all that has gone!"

"How many men did we lose in that fight with the Hounds?" O'Day changed the subject.

"Four men dead, and two more badly wounded," Sutter answered. "There has been no trouble in Hangtown, and Jim Brannigan has started his newspaper. You have been away almost two weeks!"

"I'll be getting back in the morning," O'Day answered. "And how is my friend, Carlos Osuna?"

Johann Sutter beamed. "Carlos is very happy," he reported. "Every day he rides with Betty Lou Houston. He is a fine boy, that Carlos."

"Betty Lou is a fine girl," O'Day added. "Quiet now, Johann. Yonder comes Tom Houston, and Carlos is waiting to intercept him."

Carlos Osuna was attired in his best clothes. His tight *pantalones* and bolero jacket were of the finest cloth, and tiny silver bells hung from the brim of his wide sombero. This he swept off as he bowed low and addressed Tom Houston.

"A good evening to you, Senor. May I have the honor of a talk with you?"

"Talk is cheap enough, so go right ahead," Houston said with a smile. "What's this rumor I hear about you wasting your time riding with my Betty Lou?"

"Senor, the time is not wasted," Osuna answered seriously. "My intentions they are honorable, I assure you, Senor," he added hastily. "Never have I seen a *Senorita* with so much beauty and charm. Have I your permission to pay court to your daughter, Senor Houston?"

"I ought to slap you over, Carlos" Tom Houston said gruffly. "You've been riding with Betty Lou for more than a month, Now you ask me if you can!"

"*Si, Senor,* you are right," Carlos admitted humbly. "I show her my Rancho, and the cattle and horses we graze. I would be most desolate if I could not see her. Have I your permission to ask for her hand in marriage?"

Tom Houston stopped and tugged at his long-horn mustaches. For a moment his tanned face darkened, and then he drew a deep breath.

"I reckon it had to come some day," he muttered. "What did Betty Lou say, you young scoundrel?"

"She say for me to ask her father," Osuna answered with a shamed smile.

"Look, Carlos," Houston said gravely. "I've been watching you, and you've taken a hold of the ranch like a tophand. You rode down to help us when we might have been wiped out by those Hounds."

He stopped, and Carlos Osuna waited anxiously. "Yes, *Senor,*" he prompted at last.

"It's up to Betty Lou," Houston said heavily. "I'll have a talk with her, and see what she says!"

"You can come out now, Betty Lou!" Osuna called happily.

BETTY LOU Houston stepped out from the shadows behind a huge adobe pillar. Tom Houston stared and then he made as though he woud slap the girl. But Betty Lou ran to him, and the old Texan folded her in his arms.

"My little girl," he murmured happily. "You like this so handsome *Caballero?*"

"I do love him, Father," Betty Lou whispered. "Everything has changed since I've known Carlos. He has asked me to marry him!"

"Yeah, and what did you say?" Houston asked gruffly.

"I told him to ask you first," Betty Lou whispered.

"Then you hide back there in the shadows to hear my palaver," Houston accused. "You heard what I told young Carlos"

"Then you will give us your blessing, Senor?" Osuna asked with a happy smile.

"What about it, Betty Lou?" Houston teased his daughter. "Seems to me he is a bit previous. I haven't heard him ask you!"

"Oh, but he has, Daddy!" Betty Lou cried.

"What did you tell him?"

"I told him I'd say *'Yes'* if you did." Betty whispered, and she hid her face in her father's rough jacket.

"Then, it's all right with me," Tom Houston said gruffly. "But don't be in a big hurry," he added.

"Senor my father, we shall set the wedding date after due deliberation," Carlos Osuna said with quiet dignity. "I have asked Colt to be my best man!"

"What did Colt say?"

"He agreed, Senor," Osuna answered with a smile. "Do you mind if we tell Senor Terry O'Day the happy news?"

"Go ahead and tell him," Houston said with a grin. "Seeing that the Mayor and the Duke have been listenin to every word we said. I'm sure they will be greatly surprised, but get along with you!"

Terry O'Day and Johann Sutter looked away and tried to appear unconcerned. Carlos Osuna took Betty Lou's hand and approached the table

where the two men were seated.

"Please to congraulate us, Duke, and Your Honor," Osuna addressed the pair. "Betty Lou has consented to be my wife, and her father has given us his consent!"

"This is a surprise!" Sutter exclaimed, but Terry O'Day had more to say.

"I do congratulate you both," he said heartily. "And I am sure you will both be very happy!"

"*Gracias, Senores,*" Carlos murmured his thanks." "I am the most happy *hombre* in all of California!"

"That beautiful old adobe home," Betty Lou whispered. "We will fix it all up, and I can ride with you after the cattle too!"

"Hold on to your land, Carlos," Sutter advised the smiling Osuna. "Your land and cattle will be here long after the gold is gone."

"*Si,* Senor Sutter," Carlos Osuna answered seriously. "I would never part with Rancho Lomita. I am a *Californio,* Senor. I was born here of Spanish parents, and many of my *vaqueros* are the same. I will always keep the land, have you no fear."

O'Day excused himself and walked away with Tom Houston for a talk. The Texan was smiling contentedly, and he voiced his pleasure to O'Day.

"Fine boy, that Carlos Osuna," he began. "Helped me a lot to make a decision when I remembered Jim Brannigan and the Spanish girl he married, Molly's mother. And Betty Lou was born and raised on a cattle ranch, so she will be happy too. Do you like Osuna?"

"Very much," O'Day answered without reservation. He studied Houston for a long moment before he spoke again. "You and Colt have good claims, Tom," he continued. "You are taking gold out of the ground. Why not put some of it back in the land?"

"I don't follow you, Terry," Houston complained. "How do you mean, put some of the gold back in the land?"

"Buy more land," O'Day advised. "You have some, but you will want more. Johann Sutter would sell you some of his land which adjoins the Rancho of Carlos Osuna. You and young Colt will always be cattlemen, and the advice Sutter gave Carlos applies to young Colt."

"I SEE what you mean, Terry," Houston agreed. "When thousands of men swarm all over the goldfields, it won't take long to get out all the gold and bust this boom. Not only that; we're doing well with Sutter in this meat business He has the cattle, sheep and hogs, and I drive the animals to market and slaughter them. You sell them to the miners, and every one is satisfied. I'll look into this land business on my next trip back here."

"I haven't seen Colt today," O'Day remarked, and tried to keep his voice careless. "What's become of him?"

"Now that you mention it, I haven't seen him either," Houston answered and the two men stopped when Carlos Osuna came running, calling as he came.

The young *Ranchero* was agitated, and Tom Houston watched his expressive face, "It's about Colt," Houston said positively. "Out with it, son!"

"Betty Lou told me," Carlos burst out. "She heard from the Sergeant of the Indian soldiers. Colt made a trip to Sacramento City to find Black Jack Thompson!"

"Saddle your horse, Terry!" Houston rapped out. "You'll ride with me to lend the boy a hand?"

"And I, Senor," Osuna interrupted as O'Day nodded. "It is only two miles, and I am familiar with the place!"

Ten minutes later the three men were riding through the darkness toward the new mushroom city of Sacramento. All were grim-faced and evidently worried. They could see lights in the ragged tents in the distance which marked the new town, and Terry O'Day stopped his horse when he recognized a lanky man riding toward them.

"It's Kit Barston!" he said tensely, and called to the old hunter. "Have you seen anything of young Colt Houston?"

"Now don't go to fighting yore

head, old Tom," Barston cautioned Houston. "I found Colt, but some one else saw him first. A couple of the boys are bringing Colt; shot him high in the left breast. A little lower and they'd have got him through the heart, but the boy will live!"

"Black Jack Thompson!" Houston swore savagely. "I heard he was in Sacramento City. I'll ride in and smoke him out if I have to burn down the whole town!"

"Easy, Tom," O'Day warned. "Stop and think a moment. What would we do if some madman rode into Hangtown for that same purpose?"

Tom Houston stopped and gritted his teeth. He fought against the savage anger that flooded through the tough frame like a torrent. After a time he spoke more quietly.

"You're right, of course," he admitted, and then he saw a light wagon coming through the darkness. "I won't do anything until I talk to Colt, and reason it out!"

A BEARDED freighter stopped his team when he recognized Houston and O'Day. He called that Colt Houston was conscious, and said that Kit Barston's rude first-aid had probably saved the cowboy's life. Then Tom Houston was in the wagon talking to his son.

"Who did it, Colt?" Houston asked quietly, but his low voice was a vibrating hum of deadly anger.

"Thompson," Colt Houston answered honestly. "I met him in the trail just outside Sacramento. I called him, and he beat me to the gun!"

There it was; the frank honesty of the raw frontier. No heroics or blame; just a simple statement of facts.

"He's faster than I allowed," Colt Houston said slowly, and his lips were pinched with pain. "I could see that scar on his face where Terry O'Day pinked him with his sword. I told him to draw. . . and he did. He out-speeded me!"

"Just lay back and take your rest, Colt," Tom Houston said slowly. "I taken up where you laid 'em down, and that black-leg gambler won't outspeed me!"

"He'll out-speed you, Dad," the wounded cowboy argued wearily. "He said to tell you so. Said he threw off his shot high to let me tell you!"

"I'll take it to him now!" Tom Houston shouted savagely, but Terry O'Day restrained the angry Texan.

"Like Kit said, don't get to fighting your head, Tom," O'Day cautioned. "Anger slows up the muscles like you know. I know how fast that gambler is, and we know that he does not lack for courage. Let's get back to the Fort, and we can plan something later after we have thought it out!"

"Terry is right, Tom," Kit Barston agreed with O'Day. "I rode into Sacramento City, and they don't have any Vigilantes there. There are a lot of Thompson's Hounds, and he's opened up another saloon. We wouldn't have a chance against them now!"

Tom Houston clutched his big hands and fought against the tide of anger which engulfed him. Then he became more quiet and suggested that they get back to the Fort so that Colt could have attention. He rode on ahead to make arrangements, and Carlos Osuna said they would take Colt to Rancho Lomita, and that Betty Lou could nurse him.

Betty Lou came to the wagon when the party arrived at the fort. She told Terry O'Day that Sutter had sent an Indian soldier to Hangtown to bring Doctor Albers, and Carlos told her that they would take Colt to Rancho Lomita where he would be more comfortable.

"You will be near me then, *Chiquita,*" he whispered. "And some day I will match guns with Senor Thompson!"

O'Day listened and interrupted harshly. "You won't, Carlos. Thompson is an experienced gun-fighter, and you are not. Some day we will get him in the open again, but there's no call for you to commit suicide now!"

"Terry is right," old Kit Barston agreed soberly. "There's only one man I know who could match Black

Jack Thompson with a six-shooter, and he don't go around looking for trouble!"

"You mean O'Day," Colt Houston said quietly. "But he never ran away from a fight in all his life!"

Terry O'Day's head was high as he listened, and his sensitive nostrils were flaring wide. His right hand rested on his six-shooter, and then he controlled himself and shook his shoulders.

"I'll meet Thompson one day," he promised, in a strange far-away voice. "When I do, there will be a reckoning!"

"But what would Molly say?" Betty Lou whispered.

Terry O'Day frowned and stared hard at the pretty girl. He hadn't thought about Molly Brannigan but now he remembered her anxiety before his first meeting with Thompson on the field of honor.

"I can't see it that away none," Kit Barston spoke up savagely. "All this business of taking up for young Colt is just feeding good men to that tinhorn's six-shooter. I'm in favor of organizing the boys and riding over there to Sacramento City and cleaning up what we started in Hangtown. We didn't do right by those folks over yonder, nohow. We brushed the dirt out of our front yard and brushed it smack dab into theirs!"

"We better start for my *casa* now," Carlos Osuna suggested. "Then we can get Colt into bed and make him more comfortable until the Medico comes."

"Carlos is right," O'Day agreed calmly. "We're all too riled up now to think clearly. Not only that, but we've been too long away from Hangtown, and we need the counsel of wiser heads. I'll ride with you out to the Rancho, Carlos!"

17

California or Bust

MOLLY BRANNIGAN was watching the rain through the front window of the new house her father had built. The front housed the printing office of the *Sluice Box News*, while the back provided comfortable living quarters. Water was running down the streets in an ever-increasing flood, but it was a flood of another kind that worried the dark-eyed girl.

Now the immigrants were pouring into the gold-fields in never-ending numbers. Wagon trains had crossed the Great Plains and the formidable Rockies. Other thousands had come by sailing ships to San Francisco, and the Hangtown Council had done what they could.

A committee met each new contingent and advised them to pitch their camps on high ground. Now the Diggings was one vast sea of mud, and Sunny California did not live up to its name to the weary travelers who had come from every part of the land to seek fortunes.

Only Terry O'Day's foresight had made the Main Street passable. He had hired the huge freight wagons to haul loads of rock and granite from the gravelly banks of the river, and this had been dumped on the street to make a usable road.

Each fresh down-pour of rain had brought new discoveries in the diggings. Dry washes became raging torrents which swirled around huge boulders to uncover fabulous wealth. Miners worked in the drenching downpour, rocking their sheet-iron cradles ceaselessly.

A month had passed since the trip to San Francisco, and Hangtown now had a population of seven thousand. Jim Brannigan had given up actual work on his claim. Labor was plentiful, because most of the immigrants had arrived in the Diggings with little else except the will to work.

Jim Branigan was writing an Editorial for the next issue of his paper. He laid aside his pencil and came to stand beside his daughter.

"We need the rains," Brannigan said with a shudder. "Else we'd have no water to drink, or fresh fruits and vegetables. But all this spells misery for those Johnny-Come-latelys, especially for the women and children!"

"They huddle in their wagons and

tents, Molly answered with a shiver. "They expected to pick up gold nuggets in the streets, and they continue to pour in as the rain pours down!"

"Terry will go broke if he continues to give these people credit," Brannigan said gruffly. "Some of them will never pay him."

Molly smiled happily. "That's what I like about Terry," she told her father. "He says he will come out all right. Prices are high, and those with money pay for those who have none. Have you heard anything about Thompson lately?" she asked.

Jim Brannigan's face clouded with anger. "He's running a saloon and dance hall over at Sacramento City," Brannigan muttered. "And that gambling hall, of course."

"Sometimes I am frightened, Daddy," Molly admitted. "I've talked to Terry, and when Thompson's name is mentioned, he just looks grim!"

"Terry should have killed that scoundrel!" Brannigan declared vehemently. "By the way, how is young Colt Houston?"

"He's doing very well, and he has a new interest in life," Molly answered with a smile. "Carlos Osuna has a very pretty cousin, and Conchita has helped nurse Colt."

"Here comes Terry now," Brannigan interrupted, and they watched the tall young Mayor striding through the sheeting rain. He wore a long rubber coat and hip-length boots, and for once O'Day was excited. He came into the office and took off his coat. Then he seized Jim Brannigan and hugged him like a bear.

"We've struck it even richer, Jim!" O'Day shouted. "The water rushed down Dead Man's gulch and raised no end of havoc. Then this morning we found a new ledge of gold running all the way through the claims!"

He released Brannigan and seized Molly. Around and around he whirled the protesting girl, and then Terry O'Day remembered his dignity.

"I'm sorry I man-handled you, Molly," he apologized. "But I'm mighty glad we had Zachary Jones draw up the papers to form our company. The Yellow Dog will be one of the richest mines in the field!"

MOLLY smoothed her blouse and watched the two men. Both were like small boys in their excitement and enthusiasm. The rain and sodden weather meant little to either of them until Terry O'Day turned suddenly.

"This is all your fault, Molly. That piece you sent to the New York Herald brought all these folks out to California. For them it was: 'California or bust'!"

"I know, Terry," Molly said slowly. "And sometimes it makes me sad. If they can just get along for the winter, they will love Californis when it stops raining!"

"There's no way to stop them from coming to the Diggings," Brannigan said slowly. "They are burning up with gold-fever, and even the rain can't quench a fire like that!"

"Sacramento City is having a boom," O'Day remarked carelessly, but Molly saw the glitter in his blue eyes. "I'd start a store over there if it were not for the lawlessness."

"You won't need any more stores," Brannigan said gruffly. "If what you say about the gold ledge is true."

"It's true enough, but I want to expand the O'Day Mercantile Company," O'Day said thoughtfully. "I've thought some of going over to Sacramento City to look things over."

Molly Brannigan caught her breath sharply, and then bit her lower lip. But Jim Brannigan was not to be denied.

"You don't fool me, Terry O'Day!" he said sharply. "You're thinking about Black Jack Thompson!"

"I was thinking more about Tom Houston," O'Day corrected. "Tom is burning up with a fever that is stronger than the lust for gold these Argonauts bring with them. He's consumed with the desire to rid the world of Thompson, and Houston just isn't fast enough!"

"So you'd set yourself up for a target," Brannigan scoffed. "And Thompson surrounded with gunfighters who would riddle you with slugs!"

"We've little of lawlessness here," O'Day said lightly. "Now a man can go to his work and not worry about the savings he left in his cabin."

"That's right," Brannigan agreed. "We haven't had a hanging since we ran Thompson out of Hangtown, nor any need for one!"

"The rain is stopping," Molly exclaimed joyfully. "And I do believe the sun is going to break through those clouds!"

"We will have plenty of rain until April," O'Day warned. "Well, I'll be getting to my business. Come over when you can," and he left the printing office.

Molly Brannigan watched his tall figure stride swiftly through the muddy street. Jim Brannigan watched his daughter for a moment, and then he spoke softly.

"You love him greatly, don't you, Molly girl?" he asked quietly.

Molly gasped and then nodded her dark head. "Yes," she admitted. "More than he will ever know!"

"I believe he does know," Brannigan said shrewdly. "And some day he will come to you and lie like a gentleman. He will tell you of his love, and seem very much surprised, when you tell him you love him too. Terry O'Day is that kind of a man!"

"He is talking to Swede Thorsen," Molly whispered. "Swede seems very excited about something!"

"My coat!" Brannigan barked. "I'll get right down there and find out what is wrong!"

He seized the raincoat Molly handed him, shrugged into the water-proof garment, and almost ran down the street. Terry O'Day and Swede Thorsen were talking under the hang-tree, and Thorsen was waving his huge arms.

"By Yumpin Yimminy, we get up the Vigilantes and go over there!" Thorsen shouted. "If Tom Houston dies—"

JIM BRANNIGAN gasped as he heard the news. Tom Houston had gone to Sacramento City to square a score with Black Jack Thompson. The gambler had shot first, and Tom Houston was fighting a battle for his life.

"They took Tom to Rancho Lomita," O'Day explained to Brannigan. "I'm going to ride over and see him!"

He turned when a small hand gripped his arm. "I'll ride with you, Terry," Molly Brannigan said firmly. "And besides, you promised to take long rides with me. Please don't argue!"

"Tex Guthrie and Tennessee Jackson they done ride over," Thorsen said shortly. "You will all be killed!"

Terry O'Day smiled, and offered no argument. He hurried to his rooms, changed his clothing, and saddled his horse. Then he met Molly and they rode away with Jim Brannigan's warning in their ears.

"Stay away from Sacramento, you two, or I'll bring every man in Hangtown over there!"

"Dad would do it, too," Molly said gravely. "You are not going to Sacramento City, Terry?"

"Not right now," O'Day assured the girl. "I want to see Tom, and have a talk with Colt Houston."

"Carlos and Betty Lou were married last week," Molly said wistfully. "I know they are very happy."

"I'm sure they are," O'Day agreed absently, and Molly frowned as she turned her pretty face away. "We've got to make a plan," O'Day murmured thoughtfully. "Thompson will kill or wound our best men, one by one!"

"Look at me, Terry!" Molly commanded imperiously.

Terry O'Day looked around with surprise. "Yes," he said.

"You mustn't do it, Terry," Molly pleaded. "You are thinking of offering yourself as a sacrifice. Even if you were faster than Thompson, he would not fight fair; not after the duel he lost!"

"I didn't say I was going to meet Thompson," O'Day argued, but his tone was not convincing.

"You did say so," Molly insisted. "Not in so many words, perhaps, but I know how your mind works. You think you have a chance with Thompson, and if you win, the other men will be safe!"

"Something like that," O'Day

agreed honestly. "I believe I would win!"

"And I know you would lose!" Molly argued desperately. "Perhaps Dad's plan is best. To take all the men to Sacramento City and clean out that whole gang of killers and thieves!"

"That would mean the lives of many men," Terry O'Day reasoned sternly. "After all, this is a fight between Black Jack Thompson and me. One of us will have to go!"

"I'm frightened for you, Terry!" Molly confessed. "You are honest and fine, and Thompson is just the opposite in every respect. He fights as he gambles; to win!"

"I never fight to lose, Molly," O'Day said quietly. "If he would only meet me fairly—"

"Which he will never do!" Molly cried.

TERRY O'DAY stopped talking. His jaw was set stubbornly, and a bright light shone in his dark blue eyes. He reached out and took Molly's left hand, carried it to his lips, and kissed it tenderly. Then he hit his horse on the of-side with a spur and raced away through the aisles of tall trees.

Molly's horse followed, and she watched the muscles in his strong straight back. When they stopped to blow the horses, O'Day was once more smiling and composed.

"We are going to start a school in Hangtown soon," he told the wondering girl. "Two maiden ladies from Boston arrived last week, and they are both teachers. We will collect taxes like they do in San Francisco, and you won't know the town in a year or so!"

"I know," Molly answered without enthusiasm, "I interviewed the sisters. Don't you see how bad Hangtown needs you, Terry O'Day?"

O'Day laughed heartily. "Me?" he repeated. "There are a dozen men jn Hangtown who could do my work, and do it better. Your father, for one!"

"That isn't what Father said," Molly contradicted. "Dad says it takes a man like you with youth and vision. One who is not maddened by the lust for gold!"

"Jim Brannigan said that?"

"He certainly did, Terry. You won't do anything rash?"

"It's a promise, Molly darlin'," O'Day answered promptly.

"You called me *'darlin'."* Molly whispered.

"You are a darling," O'Day insisted, and then he stopped to watch her face. "You've a tear in your eye, Molly," he said contritely.

"'Tis for worrying about you, Terry O'Day!" Molly barked at him. "If Thompson should kill you. . ."

Terry O'Day came closer and lifted her chin. He gazed long into her tearful eyes, and then drew her closer. He kissed each dewy eye tenderly, and his voice was low and gentle when he spoke.

"I'm asking you to be patient just a while longer, Molly love," he pleaded. "Until I can speak what is in my heart. You will wait until then?"

"Oh yes, Terry," Molly whispered, and then she smiled bravely. "I can wait, and not be tired by waiting," she assured him.

"And here's for the promise," O'Day whispered, and drawing her closer, he kissed Molly full on the lips. Then he released her and spoke hurriedly. "We must ride fast to reach Rancho Lomita before dark," and he started his horse and rode at a swift canter.

Molly O'Day smiled and slowly rubbed her full red lips. Terry O'Day was not like the fortune hunters who had rushed into the diggings without preparation. He had seen San Francisco grow from a sprawling Mexican village; had helped to chart the trails through the Rockies over which the immigrants now toiled to reach the promised land.

She was proud of him as she rubbed stirrups with Terry O'Day across the vast rangeland. He was a natural leader of men, and not given to sudden impulses. Before he made a decision, Terry O'Day would reason it all out in advance, and build upon an enduring foundation. Yes,

she could wait and not be tired by waiting.

THEY CUT around to the North of Fort Sutter and rode through the big gates of Rancho Lomita in the twilight. Betty Lou heard them coming into the big yard, and she ran out to greet them with Carlos. She kissed Molly, and Carlos greeted Terry O'Day happily.

"Now everything will be settled," Carlos said with evident relief. "You have met my wife, Senor O'Day?"

"I've met the charming Senora Osuna," O'Day said with a chuckle, and then he kissed Betty Lou. "I didn't get to kiss the bride," he explained. "Are you jealous, Carlos?"

"How could I be jealous of one who has done so much for me?" Carlos said earnestly. "You will talk to Colt?" he asked anxiously.

"I'll do what I can," O'Day promised. "How is Colt?"

"Just fine, Terry O'Day," a hearty voice answered, and Colt Houston came out to grip O'Day's hand. "Dad is in a bad way," he whispered. "I'm mighty glad you came."

"Tell me about Tex Guthrie and Tennessee Jackson," O'Day said quickly. "They are here?"

"I have not seen them, Senor," Carlos answered. "Were they coming here?"

Terry O'Day stepped back and set his jaw. Molly turned with an arm around Betty Lou.

"They must have gone to Sacramento City," O'Day said wearily. "I hope they keep out of trouble with Thompson's killers!"

"I can command twenty men," Carlos Osuna whispered. "We can get thirty Indian soldiers from the fort. What do you say, Terry?"

Terry O'Day shook his head. Molly knew that again he was figuring the costs in human lives. "I'd like to see Tom Houston," he said quietly. "Can he talk to me?"

"He wants to talk with you, Terry," young Colt answered. "Doc Albers was here and fixed Dad up, and he's resting easy. They got him twice, but old Tom says you can't kill a cowboy unless you cut off his head and hide it from him."

Terry O'Day followed Colt into the house, and a pretty Spanish girl came from a room to meet them. Colt made the introductions.

"Mister O'Day, I want you to meet Conchita Osuna," he said. "She helped nurse me back to health, and now she is helping with Dad."

"I am happy, Senor," Conchita told O'Day. "You will follow me, no?"

18

Bait for a Trap

TOM HOUSTON smiled sheepishly as he stretched out a hand weakly to greet Terry O'Day. He was lying on a huge canopied bed, and in spite of his wounds, Houston did not look like a sick man. His weathered face was tanned from wind and sun, and the same fighting glint shone in his gray eyes.

"Howdy, Mayor," he greeted O'Day. "Nice rain we've been having."

"Never mind the weather, Tom," O'Day said gruffly. "You've had time by now to think it all out. Tell me; how did you get shot. . .*twice!*"

"Knew you'd think of that," the Texan said with a wry smile. "I didn't know I was shot twice until Doc told me. I'm sure Thompson only fired one time!"

"Where did this happen?" O'Day asked.

"Near the 'Black-Jack' saloon," Houston said thoughtfully. "Like you said, I've figured it out. I was standing near the tie-rail when Thompson came out of the shack with two of his heelers. At first he didn't say anything; just stood there and stared at me. Then he asked if I had come to take up for my cub, and I started for my six-shooter!"

Terry O'Day closed his eyes like a man who reconstructs a scene in his mind. He could almost see the battle in front of the board salon.

"I cleared leather and triggered a shot," Tom Houston continued weakly. "Both of these jaspers with

Thompson were reaching for their pistols, and I got one of them. But Thompson got me at the same time, and then some of Carlos Osuna's boys rode along and got between me and the gambler. They brought me here, and I'm a-doing fine!"

"Seems like you missed Thompson and got one of his henchmen," O'Day muttered. "That play was to draw your attention away from Thompson, and at that it was mighty close!"

"It was," Houston agreed bitterly. "I saw this other hombre stab for his belt gun, and I turned mine on him instinctively. That gave Thompson the eye-wink of time he needed!"

"We'll ride in tonight," O'Day said in a hard clear voice.

Molly came to stand behind him, and she gripped his shoulders hard. Tom Houston shook his head, but young Colt fingered the gun in his holster.

"You promised to be careful, Terry," Molly reminded in a hushed voice. "Thompson will give a hundred men to back him up!"

"There won't be a fight," O'Day promised, and he turned to Colt Houston. "I want you to ride to the Fort and tell Johann Sutter I need twenty of his Indian soldiers. If Carlos will bring ten of his *vaqueros*, that will be enough to make a show of organized force!"

He explained his plan, saying that he intended to give Black Jack Thompson a warning. But Tom Houston watched his face and made a shrewd guess.

"And you'll bring Tex Guthrie and Tennessee Jackson back with you," the wounded man said quietly.

"Yes," Terry O'Day agreed. "And we'll burn that new saloon to the ground if harm has come to either of them!"

"Sacramento City isn't Hangtown," Houston reminded. "But it might work. Gear you hoss and hit out for the Fort, Colt!"

Conchita Osuna listened with an expression of fear in her dark eyes. She followed Colt Houston out of the room, and he put his arms around her.

"Don't you worry none, Honey," he whispered. "I'm just a-riding over for some help."

"Please to be careful, *Carazon dulce,*" Conchita pleaded tearfully.

"You called me Sweetheart," Colt Houston murmured, and then he tightened his arms and kissed the girl roughly. "Shore I'll be careful, Honey," he said happily. "I'll play my gee-tar under yore window tomorrow night!"

Carlos Osuna watched his father-in-law, but he waited for Terry O'Day to speak. Betty Lou bit her lip and remained silent. She knew her father, but she also knew her husband. Carlos Osuna worshipped the tough old Texan, and he considered young Colt as his own brother. Both had been wounded by Thompson, and Carlos was a son of the Dons.

"You will give orders to ten of your best men?" O'Day asked Osuna.

"*Si Senor!*" Carlos agreed promptly. "We will ride our fastest horses, but my *vaqueros* will be hard to control if the fighting starts!"

"Tell them to get ready," O'Day requested. "Nothing will happen if Tex Guthrie and Tennessee Jackson are unharmed!"

"I DON'T like it, Terry," Tom Houston muttered fretfully. "Here I am down on bed-ground with my head under me. You might say I rode in there looking for trouble, and I found more than I could handle. That don't call for other men to get killed!"

"It does," Terry O'Day contradicted firmly. "It means that Thompson knows every man who had anything to do with running him and his gang out of Hangtown. It means that he will cut them down one by one, and call it self defense. I mean to give him a warning!"

"It might work," Houston agreed dubiously. "On the other hand, his gang of Hounds might open fire on you all from the dark. They haven't forgotten what happened to their pards who tried to hold up that last shipment of gold we took to the city!"

"Could I speak to you for a mo-

ment, Terry?" Molly Brannigan asked quietly.

"You will excuse me?" O'Day asked Houston, and followed Molly into the front room. "Well?" he said expectantly.

"I have an intuition," Molly whispered. "A feeling that you will find Tex Guthrie and Tennessce Jackson unharmed if you wait!"

Terry O'Day frowned and appeared thoughtful. "I never make light of a woman's intuition," he said gravely. "You have a suggestion, Molly?"

Molly shuddered and closed her eyes momentarily. Terry O'Day stepped forward quickly and put his strong arms around her. Molly opened her eyes slowly and looked long into his finely-chiseled face.

"You will make a bargain, Terry," she said slowly. "Make the best bargain that you can!"

Terry O'Day nodded and lowered his head. He kissed Molly gently, released her, and turned to meet Carlos Osuna who was coming in from the big yard.

"My men will be ready before the Indian soldiers get here," Osuna reported. "I picked the older men because they have more self-control. but the younger *vaqueros* will ride in with the torch if any of their *companeros* are killed," he added darkly.

Terry O'Day walked to the big yard with Carlos. Dark faces smiled down at him from high saddles, and every man carried a rifle across his knees. Their horses were the best on the Rancho Lomita, and long rawhide riatas were tied to the saddlehorns. There was a muttering of talk between them, and O'Day understood enough Spanish to know that they were spoiling for a fight.

"Warn them not to fire a shot unless we give the word," O'Day whispered to Osuna. "Mob violence is what we are trying to stop!"

Carl Osuna talked quietly to his men, and they nodded their understanding. Then the Indian soldiers rode into the yard with Colt Houston and the old Sergeant, who came right to O'Day and asked if there were any special orders.

"I want your men to surround Thompson's saloon, Sergeant Riley," O'Day told the hard-bitten old soldier. "See that no man fires a shot, but that all are ready to do so if necessary. This is a ticklish bit of business, and I have an idea the fighting will come later. But first I want to assure the safety of Tex Guthrie and Tennessee Jackson. You understand?"

"That I do, Sir," Riley answered. "But just say the word, and we'll tear down that swill-joint and run that bunch of dirty dogs out of town. Meanin' them Hounds, Sir!"

TERRY O'DAY mounted a fresh horse to which one of the *vaqueros* had changed his saddle. They rode out of the big yard, thirty-three strong, with Carlos Osuna taking the lead. Colt Houston rode just behind with Terry O'Day, and the soggy ground underfoot muffled the hooves of the spirited horses.

Terry O'Day was thinking back to his days under General Fremont, and of the strategy Fremont had used in fighting the savage tribesmen who had tried to stop the westward march. He dropped back to speak to Sergeant Riley who nodded with a grin of understanding.

"Two attacking waves it is, Sir!" Riley answered quietly. "We fall in behind the *vaqueros* who will surround the saloon. If you raise your right hand over your head, we'll come charging hell-for-leather!"

Now the lights of Sacramento City could be seen in the near distance. Sergeant Riley gave the order for his men to halt, while Osuna's cowboys continued up the muddy main street. Two coal-oil lanterns were sheltered from the weather by glass boxes, marking the front entrance to the board saloon.

Men were shouting and signing drunkenly in the saloon, and Terry O'Day swung down from the saddle when Carlos Osuna told him that the cowboys were in position. With the young *Ranchero* at his side, O'Day walked into the saloon and placed his back against the front wall.

"Look who's here!" a fat bartender shouted. "It's Hizzoner the

Mayor, from Hangtown!"

Terry O'Day closed his eyes for a moment to shed the light. When he opened them, he saw that a dozen guns were pointing at Osuna, and himself. Then he saw Black Jack Thompson get up from a table in the back room, and come slowly into the bar-room.

"Welcome to Sacramento City, Your Honor!" the gambler said facetiously. "And you, Osuna. Something we can do for you?"

"You can tell me where to find Guthrie and Jackson," O'Day said grimly.

"Guthrie and Jackson?" Thompson repeated. "Don't believe I know the gentlemen."

"You know them," O'Day said dryly. "They were seen coming into this saloon," and he watched Thompsin's face as he made the guess.

"We've got hundreds of whiskered miners over here," the gambler answered with a shrug. "I thought mebbe you were picking 'em up where old Tom Houston laid 'em down!"

"That could be arranged," O'Day answered quietly. "But first we want Guthrie and Jackson!"

"Just like that, eh?" Thompson sneered. "This isn't Hangtown, O'Day. I'm running things here, and if you don't think Tom Houston got a fair shake, just help yourself!"

"Hold it. Thompson!" O'Day said sharply. "Part of Hangtown is here, and the rest will be over if anything happens to Guthrie and Jackson!"

"How much of Hangtown is here?" the gambler asked with a smile.

"Take a look outside," O'Day answered grimly. "The place is surrounded, and we'll burn it down unless you produce those two men!"

Thompson went to a window and peered outside. He saw the armed *vaqueros* from Rancho Lomita, and his lips curled.

"Twelve men, counting young Houston," he counted. "It ain't enough, O'Day!"

"Look a bit beyond the *vaqueros*," O'Day suggested. "You were in the army for a time, Thompson. You know how much a chance a mob of hoodlums has against well-trained troops. Well?"

"I'll settle with Sutter for this!" the gambler threatened angrily. "You didn't have the sand to ride over here alone to settle a score!"

"I knew better," O'Day said bluntly. "Colt Houston rode over alone, and so did old Tom. You coppered your bet both times, just like you always do. So, I gave myself an Ace in the hole!"

"I'll match your cutter here and now!" Thompson shouted. "I'm coming out with mine!"

"I wouldn't!" O'Day said quietly. "It would not be self defense, and that can wait!"

He smiled with his lips while his dark-blue eyes stared at the deep scar on the right side of Thompson's face. Where his sword had left an enduring brand, and the gambler rubbed the scar as he gritted his teeth.

"I'm living for the day when we will meet again, O'Day," Thompson whispered tensely. "California is not big enough for both of us, and we both know it!"

"That's right," O'Day agreed. "That's the only honest thing I've heard you say tonight. You can have satisfaction at any time, but it will have to be fair and above board."

"Name the time and place!" Thompson answered eagerly. "I'll come back to Hangtown, under a guarantee of safe conduct!"

"Where is Guthrie and Jackson?" O'Day asked suddenly. "There will be no meeting, or talk of one, until they are delivered safe!"

"Look, O'Day," Thompson grated, and then he controlled himself. "I'm running things here in Sacramento City, and one day I'll take over Hangtown. I can do it that much sooner if you are out of the way, and I've heard you are fast with a six-shooter!"

"You are partly right," O'Day answered calmly. "If there must be blood-shed, we should keep it to a minimum. You know the strength and the temper of the Vigilantes. They are waiting now for the return of Tex Guthrie and Tennesseee Jackson. If those two are harmed...

Well, you know what happened to the *Dew Drop Inn,* and that bunch of drifters who swill your rot-gut!"

BLACK JACK Thompson's face grew dark with anger as he was reminded of his defeat. The scar stood out in bold relief on his face, and then he fought for self control.

"It would not be one-sided this time," Thompson warned somberly. "I have some new men, of a different caliber. We could wipe you all out in a few minutes, but you heard my wau-wau. I'd rather kill you in a fair fight than own all of California!"

"And that is a mission to which I have pledged myself," Terry O'Day said frankly "To kill you so that California will be a better place in which to live!"

"Say the word, boss!" the fat bartender pleaded with Thompson. "I'm just a-honing to trip both triggers of this shot gun, and scatter Hizzoner all over the place!"

"Put that shotgun down!" Thompson said sternly, but his dark eyes glowed with a terrible anger. "I'll kill the first man who robs me of my pleasure, and that pleasure is killing Terry O'Day with my own weapon!"

A deep voice spoke from the door. "Did you give the word, Sir?" Sergeant Riley asked O'Day. "I've brought me men in to back up thim cowboys. Raise a hand and we'll be doing the needful!"

"I'll remember this, Riley!" Thompson warned the old Sergeant.

"As you were, Sergeant!" O'Day said sharply. "I didn't give the sign for attack!"

Sergeant Riley sighed deeply. "Just give the sign, Sir," he murmured gruffly. "The games in here are crooked, and the licker ain't fitten for human consumption!"

He did a smart About-face, and returned to his Indian soldiers. Terry O'Day stared at Thompson and spoke quietly.

"I know your pride, Thompson. Turn Guthrie and Jackson over to me, and I'll meet you on the field of honor. My word for it, Sir!"

"Make it right under the hang-tree in Hangtown!" Thompson said savagely. "If I win, I ride out without interference. If you win, my men will be allowed to ride out without trouble!"

"Your men?" O'Day asked.

"I'll ride to Hangtown with two hundred of them!" Thompson promised savagely. "Well?"

"I agree," O'Day said quietly. "If I remember corectly, you mentioned six-shooter!"

"That 36 Caliber of yours against my Colt 34," the gambler answered brusquely. 'We'll draw and shoot at a signal, and Tennessee Jackson can give it himself!"

"Agreed!" O'Day said pleasantly. "Now if you will produce those two hostages?"

"You, Bridges and Ketchum!" Thompson barked at two big men who were listening with cocked pistols in their grimy hands. "Bring those two in here on the double!"

The two ruffians stared and then wheeled to obey. They walked to the back room, opened a heavy door, and spoke gruffly.

"Come on out, you old swamp coon. You too, Texas feller!"

Tennessee Jackson came out with his hands tied behind him. Guthrie followed, and one of the guards produced a skinning knife and cut the rawhide thongs which bound them. Then Jackson saw Terry O'Day.

"You shouldn't have done it, Terry!" the Southerner shouted hoarsely. "I heard the deal, and Black Jack Thompson is so crooked that he sleeps all curled up like a Hound dog!"

"Your horses are out front," Thompson said quietly. "You were just bait for a trap. Now get out of my place of business!"

19

Be Prepared

MOLLY Brannigan came to the front door with Betty Lou and Conchita when she heard the thud of hooves out in the big yard. The rain was falling again,

and the mounted men were soaked to the skin. Then Molly saw Terry O'Day sitting tall and straight in the saddle, and she sighed with relief as she recognized Tennessee Jackson and Tex Guthrie.

Carlos Osuna told his men to draw a jug of good wine to ward off a cold, and the *vaqueros* rode to their quarters. Sergeant Riley had gone straight to the Fort with his Indian soldiers, and after putting up their horses and stripping their riding gear, the five men came back to the big adobe house.

Betty Lou ran to Carlos and kissed him. Colt Houston looked expectantly at Conchita, who drew him into the shadows. Molly took Terry O'Day's hand and pressed it warmly.

"You found Tennessee and Tex," she said thankfully. "And neither of them hurt."

"We've little to be proud of, Miss Molly," Jackson said humbly. "We rode right into a trap Thompson had ready for us. If Terry had not come, they aimed to hang me and Tex to get even for what happened over at Hangtown!"

"I don't understand," Molly murmured wonderingly. "What kind of a bargain did Terry make to include Thompson to set you and Tex free?"

Tennessee Jackson's face clouded up as he stared at O'Day, and then glanced back to Molly's pretty face. But Terry O'Day smiled, and told Jackson and Guthrie to hunt their beds and get some rest. It was Carlos Osuna who answered Molly's direct question.

"Terrence O'Day is a gentleman, and a man of honor, Senorita Molly," the young *Ranchero* said proudly.

"Oh!" Molly gasped. "You must not do it, Terry!"

"It is a necessity," O'Day answered, and he made no attempt to dissemble. "We shall meet in the Plaza under the old hang-tree, and a very fitting setting it is"

"But I did not tell the *Senorita*," Osuna said slowly, and it was evident that he was puzzled.

"Perhaps I should tell you some of the facts of life, Carlos," O'Day said with a smile. "Now that you are married. Never think real hard when you are around Betty Lou, or she will read your mind. Do not ask me how they do it, but every woman has that ability, especially if they are very close to the one who does the thinking!"

"I have heard of this strange power," Carlos murmured. "It is what you call the woman's intuition, no?"

"But yes," O'Day said with a chuckle.

But Molly Brannigan was not to be denied. "This time it will be with pistols," she said, and her shoulders shuddered slightly.

"Yes," Terry O'Day answered gravely. "Instead of several hundred men fighting each other with rifles and pistols, the number will be reduced to two."

Colt Houston entered the room with Conchita. He came to O'Day with a hand on the butt of his pistol.

"Watch me, Terry," the cowboy said, and his face was tight with concentration. "I will show you how Black Jack Thompson goes for his belt gun, and it might help you some!"

Terry O'Day stood away and watched intently. Colt Houston stiffened, made a movement with his left hand, and his right plunged down to his holstered six-shooter.

"Again!" O'Day said in a whisper. "Do it several times!"

COLT HOUSTON acted out the deadly role of the gambler, remembering what he could of his meeting with Thompson. While Terry O'Day watched with narrowed slitted eyes, adding what he already knew. He had seen Thompson draw his pistol twice, and then Tom Houston called from his bedroom.

"Come in here a spell, Terry. Mebbe I can add something to what you and Colt know"

Terry O'Day bowed to Molly and she preceded him into the sick room. Colt followed with Conchita, and Tom Houston asked to be propped up with pillows.

"You got to watch that hombre close, Terry," the old Texan warned.

"Don't let anything else attract your attention. He will like as not have a couple of other fellers moving about to distract you, but you watch his eyes, *Watch his eyes,* I tell you. When you see the fine lines spray out from the corners, that means Thompson is making his bid. If he hits you the first time, he will hit you again—and again. That's—Black Jack!"

"I believe I've learned what I need," Terry O'Day said quietly. "Hadn't we all better be getting some sleep?"

"I will not sleep tonight," Conchita said, in a little voice.

"Might as well tell you, old Tom," Colt Houston said nervously. "Conchita has promised to be my wife!"

"Well, cut my cinchas!" Tom Houston gasped, and then he winked at Molly. "We're all just as surprised as we can be, son. Seeing that none of us can read sign, we didn't have any idea about you and Conchita!"

"Now you're hoorawing me, Dad," the cowboy growled, as his face flushed with embarrassment. "You knew it all the time, just as we all know some other things," and he looked at Terry O'Day.

"Leave it that way for now, Colt," O'Day said quickly

Conchita went to Molly and put her arms around her. Colt Houston stalked up to Terry O'Day, offered his hand, and vised down hard.

"Sorry I talked with my big mouth wide open, Terry," he murmured. "More speed to your right hand!"

Conchita said she would get her patient ready for bed, and Colt Houston said good-night and sought his quarters. Terry O'Day left the bedroom with Molly, and he stood before the big fireplace with his back to the glowing embers. Molly came to stand beside him, and for a time there was silence

"You will win, Terry," Molly said suddenly. "I know it, because it is right that you should!"

Terry O'Day smiled and took her hand "I feel the same way," he whispered. "And when it is all over—"

"Yes," Molly whispered. "And then?"

"I will have much to say to you," O'Day promised. "Things that I have wanted to say for months, and which have grown dearer with the passing of time. This is a young land, Molly love. Young, as you and I are young. We shall grow with it, and do what we can to make it a better place in which to live!"

"We," Molly whispered happily. "That means you and I, Terry darling!"

Then she was in his arms, and they enjoyed the silence of understanding. After a time, Terry O'Day kissed Molly, and said he would turn in to make an early start in the morning.

Molly sat by the huge fire after he had gone to his room. Conchita tip-toed out and came to sit at Molly's feet for a moment. She kissed Molly, and they sat quietly for a long time

Two dark beauties with so much in common. Sometimes they talked in the musical language of their mothers; sometimes Molly was very much like Jim Brannigan. At last they said good-night and went to their rooms, not knowing that Carlos Osuna had posted a guard around the big adobe house.

O'DAY stretched and pulled on his buckskin trousers. Then he shaved carefully, finished dressing, and went to the big living room where a babble of voices told him that the others had already assembled.

"Good morning, good people," O'Day called cheerfully. "The sun is shining, and so are all your faces. When do we eat?"

"Isn't that just like a man?" Betty Lou asked Molly. "They can't think of anything else but food when they are hungry"

There was the usual talk during the meal, and then they were ready for the long ride back to Hangtown. Colt Houston said he would ride with Jackson and Guthrie and talk about getting stock for the new markets in town. This left Molly and O'Day to ride alone in the rear, and they talked of their newspaper for a while.

"When is the duel?" Molly asked suddenly, after a short silence.

"A week from today," O'Day answered without evasion. "At high noon!"

"You feel confident, don't you Terry?"

"I do, and so do you."

"Yes," Molly murmured "And the Vigilantes will be prepared!"

Terry O'Day said no more about the coming meeting with Thompson, and they rode into Hangtown just before sun-down. Jim Brannigan and Swede Thorsen were waiting at O'Day's big store, and they greeted Tennessee Jackson and Tex Guthrie with sincere affection. That unspoken love which strong men feel for each other, and so seldom mention in words.

"Howdy, you ole swamp coon!" Brannigan shouted at Jackson. " 'Tis glad I am to see you again in the flesh!"

"Me too, by Yumpin Yimminy!" Swede Thorsen boomed, and he thwacked Tex Guthrie a resounding thump across the shoulders. "We are going to ride over to Sacramento City," he said earnestly.

"What's the bad word from that sink-hole of iniquity?" Brannigan asked, after he had kissed Molly.

"Tennessee will tell you," Terry O'Day said hastily. "I've got to see about things in the store. You will excuse me, please?"

"I see," Brannigan guessed shrewdly. "You don't want to talk about yourself. Run along with you, Terry O'Day." Then he turned to his daughter and studied her face for a long moment. "So it's that way," Brannigan murmured.

Molly flushed prettily, but Tennessee Jackson came quickly to her rescue. "It's that way," he said glumly. "Terry consented to meet Black Jack Thompson with the pistols at twenty paces. I'm to give the go-ahead, and we guarantee safe conduct to Thompson and his men!"

"You mean they are coming here to Hangtown?" Brannigan asked slowly, his bushy eye-brows raised.

"We can keep them honest over here," Tex Guthrie interrupted. "You can thank the ready wit of the Irish for that, Jim Brannigan!"

"The Saints be praised, and preserve Terrence O'Day!" Brannigan whispered reverently. "When is this meeting you speak of?"

"One week from today, at high noon," Jackson answered gloomily. "In the Plaza, under the hang-tree!"

"THERE'S work to do, men," Jim Brannigan said bluntly. "We will call a meeting of the Vigilantes. We will respect the guarantee of safe-conduct, but we will see to it that every man who rides over with Black Jack Thompson, rides right back again. Are we agreed?"

"Agreed!" the answer came in unision. "The Vigilantes are now three hundred strong," Jackson said quietly.

"How many men will ride Thompson?" Brannigan asked.

"He boasted of two hundred, all fighting men," Jackson said moodily. "Tom Houston is on the mend, but he won't be up for the big fight!"

"And a good thing," Brannigan answered. "What about young Colt?"

"Colt is going to get married," Guthrie answered with a wide smile. "To Conchita Osuna, who is a cousin to Carlos."

Brannigan looked up with a puzzled expression when Molly walked quickly away. Tennessee Jackson smiled and nudged Brannigan with an elbow.

"Bide a wee, Mon," the Southerner whispered. "You'll be hearing good news yourself after the duel, if I can read the sign!"

"Dunno what you're talking about, but a wink is as good as a nod to a blind horse," Brannigan growled, and then he turned to thwack Jackson across the shoulders. "That's reading sign, podner," he admitted reluctantly. "You think Terry will win?"

"I dunno," Jackson answered irritably. "Thomspon is oncommonly fast, and he's crooked to boot!"

"It will be close, but Terry will win," Tex Guthrie answered positively. "What's doing on the claim since we left?"

"One of us has the touch of Midas," Brannigan said solemnly. "The boys took out about three thousand in dust and nuggets yesterday, after the rain stopped. Then the Council met and figured out ways to raise taxes for a new school, and a City Hall."

"We could lend the money to the City until those taxes are raised," Guthrie said slowly "I didn't have much chance for schooling when I was a button, and I'd like to see these other kids get some learning."

"Terry O'Day and I have seen to that," Brannigan answered quietly. "Terry has ordered the lumber, and Johann Sutter is sending over four carpenters to build a school right away How did you find the Duke?"

"In the pink," Jackson said, and then he frowned. "We never even saw Sutter," he admitted. "But he did send Sergeant Riley and twenty Indian soldiers down to Sacramento City to help Terry get us turned loose. Jim, Thompson meant to hang me and Tex if Terry had refused his terms!"

"The scoundrel!" Brannigan muttered. "But we'll keep Hangtown clean if we have to hang every man of his crew to do it!"

"Anything been stolen while we were gone?" Jackson asked casually.

"Not a nugget!" Brannigan answered proudly.

"Then perhaps the need for hanging has passed," Tennessee Jackson answered soberly.

"Four hundred more immigrants arrived here," Brannigan told his partners. "Like as not you saw the wagon train at the east end of town. Most of them in good shape, but they reported snow yonder in Immigrant Pass. There won't be much travel now until winter is over."

"I wonder if Molly could get Terry over to your place tonight?" Jackson asked thoughtfully.

JIM BRANNIGAN frowned and then studied the Southerner closely. "Any particular reason?" he asked.

"We ought to call a meeting of the Vigilantes and make our plans to receive that visiting delegation," Jackson murmured. "Without the Mayor knowing anything about it."

"That's a splendid idea," Brannigan agreed. "The only building large enough to house the Vigilantes in secret is the store. I'll talk to Molly about it."

"I ban getting along," Thorsen announced. "I'll pass the word around, but I don't think we will fool His Honor!"

Terry O'Day glanced up from his plate when Jim Brannigan came into Ma Barston's eating tent. Brannigan leaned over and talked quietly.

"Molly asked me to see you, Terry. She wants to talk to you about opening the new school. Can you come over and see her, say about an hour from now?"

"Of course, Jim," O'Day answered without hesitation. "And it might be a good idea to have those two maiden ladies there who will teach the children. Tell Molly I'll be over."

Jim Brannigan smiled and left the tent. With the three women to ask questions, Terry O'Day would be a busy man for two or three hours. Hangtown would have her school, and the Vigilantes would perfect their plans to receive the visiting cutthroats from Sacramento City.

Terry O'Day walked down the street from his store. Jim Brannigan watched a moment, waved a hand, and men began to appear from every direction. History was in the making when Tennessee Jackson rapped for silence with the butt of his six-shooter.

"This special meeting of the Vigilantes will come to order!" Jackson said with a quiet dignity.

20

High Noon

TERRENCE O'Day awoke from a long refreshing sleep. Perhaps his service in the Army and Navy had touched him with a bit a fatalism. Fighting men believed frimly that no man died until his time came, and when it did, that was that. You met death with the same philosophy with which you had lived

your life. Nothing you could do could change the inexorable chart of Destiny.

Again O'Day walked briskly to the river, went far down stream so as not to pollute the water the town would use, found a sheltered cove surrounded by aspens, and stripped off his clothing. He plunged into a deep pool, swam vigorously, waded out, and dried his gleaming white body on a rough huck towel. It did not surprise him when he saw Tennessee Jackson and Tex Guthrie standing guard, and both were mounted.

"You're looking fit, Your Honor," Jackson said admiringly. "Here it is before breakfast, and your appointment stands at high noon!"

"I feel better after a swim," O'Day answered with a smile, and he dressed leisurely. "What did you boys decide at the meeting last night?" he asked suddenly, and watched Jackson's bearded face.

"What meeting?" Jackson pretended innocence.

"Stop it, Judge," O'Day scolded. "The meeting of the Vigilantes. I promised Thompson and his men safe-conduct, as you know!"

"Same will be observed scrupulously," Jackson assured O'Day. "But you were not supposed to know of the meeting!"

"I can read sign some," O'Day said dryly. "Out with it!"

"We will preserve law and order," Jackson growled, "Every man in the Vigilantes will be armed and on duty. Other citizens will also see to it that the Hounds don't start anything. We guaranteed them safe-conduct, but we aim to see that every man-jack of 'em leaves town!"

"Fair enough," O'Day said, and he seemed satisfied. "I will leave the policing of the Plaza to you and your men. By the way, Tennessee; you haven't forgotten that you are to give the signal?"

"I haven't forgotten," Jackson growled. "I'll do it with the pistol in my hand. Then I'll ask if all are ready. After that—I'll drop my hat!"

"Keno!" O'Day agreed. "Now I will get back to town and see about some matters requiring my attention. I'll see you gentlemen at high noon!"

"There goes a man!" Tennessee Jackson told Tex Guthrie. "He talks like a gentleman, and he acts like one, but he can whip any plug-ugly in the Diggings at any fight they want to name!"

"Yeah," Guthrie agreed. "I hope Terry O'Day is fast on the draw-and-shoot!"

"He's confident enough," Jackson said moodily. "What if this go-around winds up in a draw?'

"If it does, two men will be past getting up," Guthrie answered bluntly. "I could see it in Terry O'Day's eyes. This time he means to keep on shooting until his smoke-pole runs dry!"

"Which I hope so," Jackson muttered, and they rode back to town a respectful distance behind O'Day.

Terry O'Day was not surprised when he found Molly Brannigan waiting in the little office of his printing shop. She met him at the door, studied his face carefully, and her dark eyes reflected the confidence she saw mirrored in his. She took his right hand and pressed it to her lips.

"I am sure, Terry," she said quietly. "I have no fear, because—'Perfect love casteth out all fear'. I'll be waiting when you return!"

A quiet exaltation robbed Terry O'Day of immediate speech. This was something he had never before experienced, and it was too big for words. He smiled at Molly as she backed to the door, and then he found his voice.

"Thank you, Molly darlin', I'll be seeing you!"

Then Molly was gone, and Terry O'Day sat down at his desk. He wrote a stirring editorial for the next issue of the *El Dorado Journal*, checked the bills of lading from his last consignments brought in by the huge freighters, and pushed back with a sigh. It was time to prepare for the most important meeting of his life.

TERRY O'Day laid out fresh clothing, and dressed from the

skin. After donning tailored broadcloth trousers, he shrugged into a fine white linen shirt, tied a black silk cravat neatly, and looked to his six-shooter. He had balanced the handle himself; it fitted his hand like one of his fingers.

To make doubly sure, he pried loose the percussion caps and fitted fresh ones to the nipples. He had moulded the caliber 36 balls with his own hands, had measured the charges of powder with which the chambers were loaded. Satisfied that all was secure, O'Day strapped on his belt, and holstered the pistol deep in hand-moulded leather.

Then he washed his hands thoroughly to remove all traces of oil. His knee-length boots were polished like mirrors, and the thin soles gripped the floor as O'Day flexed his knees and tried his balance. He put on his broadcloth coat, set his new beaver hat firmly on his curly head, and walked with purposeful stride through his big store.

O'Day could hear the murmur of voices outside to tell that the streets were filled to overflowing. He had left all the details to Tennessee Jackson and Jim Brannigan. They met him on the big loading platform, and O'Day smiled to show his pleasure when Carlos Osuna came forward and gripped his hand.

"You do this for all of us, Senor Terry," the *Ranchero* said earnestly. *"Vaya con Dios!"*

Terry O'Day repeated the blessing in English, in a reverant whisper. "Go thou with God!"

Swede Thorsen was waiting with twenty picked men. They formed a hollow square for O'Day's safety, and after thanking them, Terry O'Day took his place and started for the Plaza with Brannigan and Jackson one on each side. Now he had time to look about him, and his eyes narrowed.

The Vigilantes had left little to chance. Again picked riflemen had been placed on all the little hills surrounding the Plaza. But something else had been done. A big crowd of roughly-dressed men were lined up on the south side, and not a man of them carried a rifle. All had pistols at their belts, and behind each man there stood a Hangtown Vigilante with a rifle.

"Just a little precaution, my dear Terry," Jim Brannigan explained. "We met those Hounds from Sacramento City, relieved them of their rifles, but allowed them to keep their small arms."

"Thompson," O'Day queried. "He is here?"

"He is waiting," Brannigan answered tersely. "He argued some about the rules. He brought two seconds along; wanted them to side him. Each principal is allowed one second, and even they must keep to the side lines. Tennessee will explain the rules. Chin up, and Cheerio, old boy!"

Swede Thompson led his men to the east end of the Plaza, gave an order, and they stepped away. This left Terry O'Day alone with Jim Brannigan, and there were no spectators behind him. Tennessee Jackson walked to the center of the square, turned swiftly, continued to the side on the north, and took his stand.

BLACK JACK Thompson was waiting at the west end, and the gambler was attired in his best finery. His second was a big man, taller than Swede Thorsen. O'Day narrowed his eyes and stared at the gambler, and he spoke quietly to Brannigan.

"Thompson thinks he has coppered his bet again," O'Day murmured. "He is wearing a gun on each hip!"

"Carry on, old boy," Brannigan answered lightly. "One or a dozen, it's all the same if you place your first shot well!"

Tennessee Jackson raised his left hand and spoke sternly. He told the two seconds to take positions opposite him; warned the crowds that five hundred full-armed men were prepared to mete out swift justice if there were any interferences. Then he drew his big Dragoon pistol with his right hand, removed his hat with his left.

"Attend me, gentleman!" he ad-

dressed the two principals. "I will raise my hat above my head. I will shoot the first man who tries to jump the gun. When I drop my hat, that will be the signal to draw and shoot. Are you ready?"

"I've been ready for an hour!" Thompson answered arrogantly.

"This end is ready!" Terry O'Day said quietly.

A tense silence settled over the huge throng. The Hounds leaned forward like dogs straining against tight leashes. Behind them the Vigilantes stepped back a pace and cocked their rifles.

Black Jack Thompson spread his legs and settled his polished boots. He bent his elbows; both hands shadowed the grips of his twin six-shooters. With his black hat pushed well back on his head, and the scar on his right cheek showing white against the ruddy glow of his smooth-shaven skin.

Terry O'Day took a half step forward with his right boot. He shook his wide shoulders slightly as he raised his right hand out and just a little above his pistol. He could see Tennessee Jackson without looking at the Southerner; O'Day was watching the face of his opponent.

Tennessee Jackson consulted a big silver watch, and then he raised his hat. The hour was....high noon!

Black Jack Thompson fell into a slight crouch. The gambler knew that he was on his own; there would be no distracions from his seconds to help him. For once he would wage an honest fight; but the gambler was superbly confident.

Tennessee Jackson extended his long arm straight out from his stooping shoulders. Then his fingers opened suddenly, and the hat plunged earthward in the still air.

Terry O'Day was watching Thompson's dark eyes. He saw the spray of fine wrinkles that winked out as the gambler made his double strike. He saw those long-fingered hands slap against leather, but Terry O'Day was already in motion.

CONCENTRATING on his right hand, O'Day struck down like a hawk in flight. His fingers wrapped around the familiar handles and cocked the heavy hammer while the burnished metal was hissing from the holster. Then that right hand whipped up until the sights lined up under Terry O'Day's squinting right eye. A savage roar blasted the noonday stillness as he pressed trigger.

Black Jack Thompson was counting on the superiority of fire-power. Two men were stronger than one, could do twice as much work. Two guns would blast his enemy from the scene to end the duel in which the gambler had bet the highest stakes.

Thompson's guns were clearing leather when Terry O'Day's weapon exploded. The gambler gasped as searing, tearing metal jerked the gun from his right hand, and the six-shooter exploded harmlessly as it was torn from his shattered hand. Thompson was spun around to the right, but he stomped his boot to stop the turn as he whipped up the spare in his left hand.

Terry O'Day was watching with the coolness that tells of complete control, and perfect co-ordination. After what Carlos Osuna had said, all the killing anger had fled from his heart. Now he sighted down the barrel of his six-shooter and squeezed off a slow and accurate follow-up.

Black Jack Thompson screamed involuntarily as the six-shooter was battered from his left hand. He spun around and went to his knees under the battering impact of the speeding ball, and Terry O'Day leaned forward slightly with a black-powder halo circling above his head. Then he waited for the reaction he was sure would follow.

Black Jack Thompson was on his knees with both shattered hands hanging at his sides. But he faced O'Day with his head back, and roared a defiant plea for death.

"Kill me, you grinning gun-swift! I'm not afraid to die!"

Terry O'Day wiped the slow smile from his smooth face. "Are you afraid to live?" he asked in a cold clear voice. "Are you afraid of the men you have bullied, of those you have robbed with your crooked games?"

"Ten-shun!" a savage voice bellowed a command. "Aim to fire!"

It was Swede Thorsen giving commands to the Vigilantes. A rifle behind every one of Thompson's men came up and touched that man between the shoulders. Then Jim Brannigan took over.

"You men were guaranteed safe-conduct!" he said sternly. "None of you will be harmed, but you will be escorted out of town to assure Hangtown of Law and Order. Now clear out, and if you ever come back ...." and he pointed at the grisly branches of the hang-tree.

IT WAS the big man who had acted as Thompson's second who gave the command to march. With his barn shoulders squared back defiantly, the big man stepped in front of the rag-tag army from Sacramento City, and led them back to the place where they had left their horses. Not a shot had been fired, and Terry O'Day came forward as Doctor Albers approached the gambler with his black bag in his hand.

"Your own men would kill you, Thompson," O'Day said quietly. "Doctor Albers will do what he can for you, but you'll never trigger another gun, or deal another paste-board. You will be given safe conduct out of town!"

Black Jack Thompson was too sick to answer. Nausea had overtaken him from bullet-shock, and Doc Albers asked several men to help the gambler down to his office. Jim Brannigan turned to Terry O'Day and held out his hand.

"I'd have killed him, but you allowed him to live," he said quietly. "I admire you greatly, Your Honor. You will find some one waiting for you in your office!"

Terry O'Day smiled and gripped hard. Then he turned and walked swiftly along the sun-drenched Plaza, crossed to his store, and entered by the side door. He stepped inside and closed the door, held out his arms with a welcoming smile, and Molly Brannigan came to his heart to stay.

"Molly darlin'," he said slowly. "I love you so very much!"

"Terry," the girl whispered with her lips against his cheek. "I've loved you for such a long time, but I didn't get tired by . . . waiting."

Terry O'Day closed his strong young arms . . . and his dark blue eyes. He told Molly of the hunger in his heart; of the things which had had to be done before he could ask her to share his life with him. Now these things were finished.

"Now my life is yours, Molly," he whispered. "I mean forever, and forever is a long, long time!"

"It isn't long enough to do all the things we want to do," Molly Brannigan answered happily. "Terry, I am so glad you let Mister Thompson live!"

"I'm not a killer, Molly darlin'," O'Day whispered. "We will be married tomorrow, and we didn't want the shadow of a man's death to come between us. You will marry me tomorrow?"

"Oh, yes, Terry love," Molly whispered, and then she sealed his lips with her own. Neither noticed the passing of time until a deep laughing voice spoke from the door behind them.

"Blessings, my children. A man couldn't ask for a better son!"

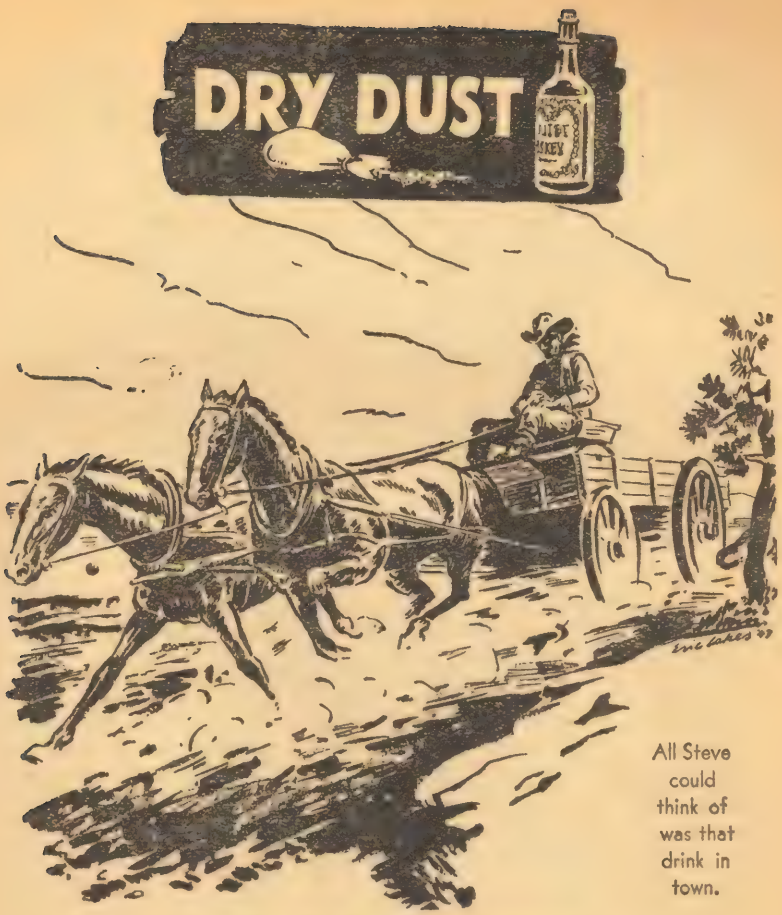
Terry O'Day turned swiftly. Jim Brannigan was smiling at him and offering his right hand. The two men gripped firmly with the light of mutual respect and affection in their eyes.

"Thanks, Dad," O'Day said with a chuckle. "Though I'll always call you Big Jim. We'll build Hangtown together, and when that is done, we'll help build San Francisco!"

"From what I hear, they will need some of the same law we had to use here," Brannigan said gravely. And as he turned to leave them with their newly-found happiness, his voice came back like a whisper.

"Vigilante law!"

THE END



All Steve could think of was that drink in town.

By Eric Thorstein

It was a terrific secret that Steve Anderson had to keep, and he meant to keep it; but when a gent is just about perishing from thirst . . .

STEVE ANDERSEN was thirsty. He let his body go limp against the jouncing of the buckboard, and felt the sun beating on his head right through his cap, making him even thirstier. Every rod of the way to town, his thirst seemed to double. A man could get awfully dry around a lot of water.

He felt the pouch in his vest pocket, and wished he hadn't brought it. He thought of tossing it out along the roadside, and stopping for it later, on his way back from town. He thought that he didn't even have to stop for it. It was only a sample; there was plenty more where that came from.

He even took it out of his pocket, and looked at it, and tried to toss it out, but it seemed like it had got stuck to his hand. Better not to just toss it out, anyhow, he thought. Better to find a good spot that he'd be sure to recognize on the way back. There was plenty more, maybe, but a man didn't throw gold away. And somebody else might find it. That could be as bad as if he took it to town.

A hundred yards down the road, he found a spot. It was a rock formation, he knew, and around to the side in back there was a little crevice where he and Betty had put the berries to keep them safe that time. Nobody would ever find it, unless they went to look.

Steve stopped the horse, and got down, and walked all the way around to the little crevice. He put the pouch in, and covered it with some loose dirt, and took a few steps away. Then he stopped to look back, and it wasn't right. Anybody would know there was something cached there. He went back, and brushed the dirt away, and picked up the pouch, then ran back to the buckboard with it, without thinking, without letting himself think any more about leaving it behind. He was very thirsty.

Maybe this time Smith would let him have a bottle. Payday was about due anyhow. Maybe he could say it was for Marshall.

He realized that wouldn't work. Marshall had written the order, and sealed it. If he wanted whiskey he would have said so, right on the list. Marshall should have given him some money, anyhow, he thought angrily, or he should have ordered some drinking liquor on his list. You can't keep a bunch of men working around a mess of water that's too rich to drink, and then pick out one of them, just like that, and send him into town, thirsty, and without any money.

And it wasn't just Steve, either; it was all of them. Marshall said if they kept quiet, Sutter would be handing out the hard stuff, but all the drinks they got out of him you could squeeze out of a stone above timber level on a hot day. There were times when a man needed a drink. Marshall ought to know that.

THE MORE he thought about it, the more it seemed to Steve that Marshall did know. There was bound to be something drinkable on that list. Marshall had promised drinks all around when the Captain came out, and if the old man didn't make it good, Marshall would. He was a good boss.

Steve drove into town feeling pretty good. Coloma wasn't much to look at, but it had a good store, and the store carried good whiskey, as whiskey went in that godforsaken part of the universe. Steve went on into Sam Brannan's feeling as good as he had when he first got that pouch filled up. It was damn near burning a hole in his vest pocket right now, but it was good the way it felt. Warm. Golden warm.

George Smith nodded to him from across the counter. Steve tried to ignore the knowing grin in the storekeeper's eyes as his own gaze swiveled automatically to the case way off in the left corner, where the bottled goods were kept. He grinned back, feeling that warm glow in his vest pocket, and knowing he could count on having enough to buy Smith out, have it in a month, maybe in a week, if nothing went wrong now. He grinned, and thought, for all his wise looks, there were a few things, George *didn't* know. And he damn sure wasn't going to find out from Steve Andersen.

"What'll it be, Steve?" The storekeeper's voice was friendly, even if it was laughing a little. "Can I sell you a couple bottles today? Or maybe a half-dozen?"

"Sell 'em to Marshall," Steve said. He handed over the list. "I think us boys are drinkin' on the old man this week."

"You must be doin' a hell of a job out there, then," Smith said idly, ripping open the envelope. "The Captain starts charging up his men's

drinkin' licker on his own bill, it'll be a big day for Californy."

"The rate he's goin'," Steve agreed, "he started buyin' for all 'is boys, he'd be keepin' most of the territory in drinks. That man's goin' farther 'n faster than it seems a man ought to."

"You're thirsty, Steve." Smith grinned at him. "You don't never talk like that when you ain't. An' what's more," he put the list down on the counter. "You're gonna wait some time to get undried, too. You had a bad hunch that time, son."

"You mean Marshall forgot to put it down? You mean there ain't no whiskey on that list?" Steve didn't quite understand at first. He was so sure it would be there. It *had* to be there.

"There ain't even a bottle of beer wrote down here."

Smith wandered off to the back of the store, and Steve let himself fall into a chair. He felt as if he'd been hit in the stomach. It was that hard to take. He *knew* Marshall had put it down. Marshall was no fool; he promised liquor to the men before the old man came out, and he had to give it to them, didn't he?

He remembered what Marshall had said before he left, about cutting his own throat, if he let anybody in on it. That was one smart man. If the liquor wasn't down there, Marshall had just forgot, and he, Steve, could come back in for it the same day.

He thought about that while George moved around in back, and then he realized that was no good. Even if Marshall had meant to put it down, he wasn't going to lose another half day's work to get it. They still had a mill to build, gold or no gold.

STEVE SAT quickly until Smith had the provisions stacked up on the platform, ready to load on the buckboard. Then he walked over to the storekeeper, and started to ask him, but George got there before he did.

"I just can't do it, Steve." He shook his head emphatically. "If I broke that rule, I'd be out of business in a week. Licker comes for cash, and not no other way."

Steve wanted to hit the other man, but Smith looked so little and so soft, so he turned around to the crates, and started piling them on the board, throwing them hard and fast to work it out of him. He had to get away, too, get away fast, before something happened.

George was watching him, curious. The storekeeper knew how close he'd come to getting painted over the floor, and leaving the floor a bright red. There were lots of things he could have said, but he said the wrong thing.

"You're gonna get thirstier, working so hard in the sun, Steve. And you might break somethin'..if there was anythin' breakable, that is."

Something snapped. Steve heard Marshall's voice, again, saying, "Steve if you blab, I'll break every bone in your body, me personally, and every man here'll help me. If you can just keep your mouth shut, once, we're all gonna be millionaires."

He heard it, but he was dry. And when he heard George Smith's voice, too, it was too much.

He let the crate in his hand drop on the platform floor, and said, in a voice that didn't sound much like the one God had equipped him with, "I'll take a quart of your best, *Mister* Smith."

The storekeeper was scared, now. He realized he'd done something, only he didn't know what. Steve saw he was scared, too, and that felt good.

"Look, Steve, let me give you a hand with the loading, and get on back before there's trouble." Smith was pleading with him, and Steve loved it.

"I want a quart of the best, I said."

He marched into the store, and the storekeeper followed him. Steve went right on to the counter, and opened up his vest, and pulled out the pouch. He threw it down on the counter, and waited until George came around to the back.

"Open it." He waved the storekeeper to the bag on the counter. "Go on, open it."

George looked at it. He didn't want to touch it, but he was afraid not to. He would have given Steve the bottle right then, rather than open that pouch, but he knew he had to.

He tugged at the strings a little, and it fell out. From the top, from the tiny little opening, a stream of gilt dust poured onto the counter.

The sight of it did something to Steve. He stopped cold, and his face must have changed, and he knew his voice did. Smith saw it, too, and wasn't afraid any more.

He laughed, a little hysterically, in relief.

"What's that supposed to be?" he demanded. "What's all the fuss about?"

"Gold," Steve said, and it was almost a sob. "Gold, from up the mill."

Smith laughed again, laughed as if he didn't believe it. Or as if he didn't want Steve to think he believed it. He reached into the case, and pulled out a bottle, and handed it to Steve over the counter.

"Here," he said, "compliments of the house. Take your bag of pretty dirt." He shoved it over to Steve, letting a thin trickle escape along the counter.

Steve looked at the bottle, and picked up the pouch, and turned around, not thinking any thoughts at all.

When he got out to the buckboard, George was there with him. The storekeeper stayed there, and helped him load on the last crates. Then Steve got in himself, and picked up the reins, and he was ready to say "Giddap," when Smith slid into the seat beside him.

"Think I'll ride out with you, Steve. Anybody else out there fooling around with this," his voice was too casual, "I ought to let 'em know there ain't no gold at Sutter's Mill."

STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC., REQUIRED BY THE ACTS OF CONGRESS OF AUGUST 24, 1912, AND MARCH 3, 1933

Of Double-Action Western published bi-monthly at Holyoke, Mass., for October 1, 1947.

State of New York }
County of New York } ss.

Before me, a Notary Public in and for the State and county aforesaid, personally appeared Louis H. Silberkleit, who, having been duly sworn according to law, deposes and says that he is the publisher of the Double-Action Western and that the following is to the best of his knowledge and belief, a true statement of the ownership, management (and if a daily paper, the circulation), etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, as amended by the Act of March 3, 1933, embodied in section 537, Postal Laws and Regulations, printed on the reverse of this form, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business managers are:

Publisher, Louis H. Silberkleit, 241 Church Street, N. Y. 13, N. Y.; Editor, Robert W. Lowndes, 241 Church Street, N. Y. 13, N. Y.; Managing Editor, Robert W. Lowndes, 241 Church Street, N. Y. 13, N. Y.; Business Manager, Maurice Coyne, 241 Church Street, N. Y. 13, N. Y.

2. That the owner is: (If owned by a corporation, its name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding one per cent or more of total amount of stock. If not owned by a corporation, the names and addresses of the individual owners must be given. If owned by a firm, company, or other unincorporated concern, its name and address, as well as those of each individual member, must be given.) Columbia Publications, Inc., 241 Church Street, N. Y. 13, N. Y.; Louis H. Silberkleit, 241 Church Street, N. Y. 13, N. Y.; Maurice Coyne, 241 Church Street, N. Y. 13, N. Y.; Harold Hammond, 241 Church Street, N. Y. 13, N. Y.

3. That the known bondholders, mortgagees, and other security holders owning or holding 1 per cent or more of total amount of bonds, mortgages, or other securities are: (If there are none, so state.) None.

4. That the two paragraphs next above, giving the names of the owners, stockholders, and security holders, if any, contain not only the list of stockholders and security holders as they appear upon the books of the company but also, in cases where the stockholder or security holder appears upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting, is given; also that the said two paragraphs contain statements embracing affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and security holders who do not appear upon the books of the company as trustees, hold stock and securities in a capacity other than that of a bona fide owner; and this affiant has no reason to believe that any other person, association, or corporation has any interest direct or indirect in the said stock, bonds, or other securities than as so stated by him.

5. That the average number of copies of each issue of this publication sold or distributed, through the mails or otherwise, to paid subscribers during the twelve months preceding the date shown above is— (This information is required from daily publications only.)

LOUIS H. SILBERKLEIT
(Signature of Publisher.)

Sworn to and subscribed before me this 12th day of September, 1947. Maurice Coyne. (My commission expires March 30, 1948.) (SEAL)

TO PRISON VIA EXPRESS

A True Story

By Rex Whitechurch

WHEN THE Hannibal and Saint Joe Railroad began to make long fast runs across the Kansas Prairie in 1865, bandits found a lucrative field. One robbery followed another and, at the end of the first year more than twenty train robberies had occured between Saint Joe and Highland, Kansas. Because of the frequency of the holdups and the futile efforts of the Missouri and Kansas peace officers to end them, the Pinkerton Detectives were brought into the case.

It was then and there that Wesley J. Cobb, a big man weighing two-forty, dark as a Sioux and with a slow, southern drawl, was started on his way to fame. His name spread through-out the west and ballads were written about him. He put forty train robbers in prison without firing a shot.

Cobb was 30-years old, the father of two children, and a former railroad expressman. He'd retired to become a Pinkerton operative.

One night, riding in the express car of the Cannonball, a fast express out of Saint Joe, Cobb was just locking the strong box on a shipment of gold nuggets when the short train jolted to a violent stop. He heard the rattle of the coupling pins and was thrown half-way across the car. Four masked men then appeared with drawn guns.

The detective was expecting this, but he'd been caught off-guard. The masks concealed the faces of the owlhoots, but Cobb was able to make certain observations. He observed that one man had lost his left thumb, and that another had a thick bandage around his right knee. This man evidently was the leader.

Cobb politely opened the strongbox. "You can take it all," he said. "I don't care a toot. This damn railroad ain't payin' us enough to justify sticking our necks out to save the express. To hell with the railroad, I say!"

He was so clever in his play acting that he fooled the bandits. They left him $50 in greenbacks and told him to have a good time. They got away with nine thousand in gold.

But the next afternoon they were rounded up at Blue Mound, Kansas. The clues of the missing thumb and injured right leg succeeded in leading to their apprehension. The Mox-Waller gang was sent to prison.

On the night of December 7, 1863, during a blizzard, the Cannonball stalled near the stop where the train had previously been held up. This time Cobb was ready for the owlhoots. Although he had not been warned, he'd made up his mind that another robbery was bound to happen.

The two heavily clothed masked men who clambered aboard the express car, asked for the Wells Fargo strong-box. Coolly, with tongue in cheek, Cobb pointed it out.

"All I ask is that you don't blow it open in this car," he said. "I don't care how much money you get. To hell with it, I say. This railrod job ain't good enough for me. I'm goin' to try to get a little easy money, too."

The bandits laughed with him, and Cobb observed that one was left-handed. The other carried his left shoulder lower than the right. They escaped with the Wells Fargo express box which was full of sand.

A month later, acting on Cobb's description of the train robbers. the pair was captured in Kansas City, Kansas. This was the Nelson gang, two brothers, and the father-in-law of Olaf Nelson, Andy Hoffman.

The Pinkerton operative had scored again.

Eleven times Cobb won, and through his cool-headed work he helped to imprison forty desperate train robbers. They'd begun to talk about him, and as a railroad expressman he was through.

The only failure he had to his credit was the time the James Boys hold up the Cannonball just out of Saint Joe and escaped with $1300. But he knew he was dealing with Frank and Jesse James who had launched their desperate careers with the holdup of the Hanniball and Saint Joe express

Every time Cobb was held up, he made those concrete observations which the bandits couldn't conceal. He sent one band away with a strong box loaded with dynamite which, when they opened it killed two men and injured the third so badly that he was captured a short distance from their hideout. That man was Lester Bass, step-brother of Sam Bass, the gunfighter of Dodge City.

Another duet of train robbers fell into his trap when they took a small safe that was filled with bogus Confederate money, bogus because it had no value. In this box Cobb put five hundred dollars in greenbacks, which he marked with red ink. Through the money the bandits were apprehended in St. Louis, Missouri.

It was hard to head off Wesley Cobb. But the last time he was stuck up, there was a woman in the band, dressed in men's clothes. She decided to torture Cobb because he had sent one of her lovers to prison, and he was bound securely to the wall with a stick of dynamite planted at his feet. When the bandits were leaving the car, the woman came over and kissed him and said, "That is the kiss of death, Wesley. You'll never rob another woman of her sweetheart."

But Cobb heard men running alongside the car, and slipped his gag so that he could yell. "Get away from here," he cried "This car will be blown to hell in another split second."

But it wasn't. A Negro porter on a special car in the rear of the train crawled into the car and rescued Cobb. The dynamite failed to explode because of a piece of metal in the fuse which had been overlooked and which when the fire reached it, kept the flame from reaching the dynamite. The porters name was George Washington Elwood, and he was given a large reward by the railroad for his valor.

But Cobb retired. He become hungry for railroading again, not as a detective but as a mail clerk, and was given a job. From that time on he was never held up. The woman and her colleagues who'd planted the dynamite in the car were sent to Lansing penitentiary for life. She was Maybelle Hudson, a milliner of Hyland, Kansas, who was college educated and cultured, and of an old southern family. She said she'd taken part in three robberies.

On the morning of April 13, 1880 on a run from Saint Joe to Denver, Wesley J. Cobb was killed in a train wreck. At least a dozen ballads were written about him by inspired artists, all dealing with Cobb's story of his success as a Pinkerton.

Pop brought up two of the roundest, sweetest nuggets you ever did see.

Goldplated Greenhorns

By Ernest Hamilton

(Author of "Pass For Arabella")

The thing about gold is—you never know. It'll turn up all of a sudden some place, where there wasn't no sign before.

THERE NEVER have been any meals before or since like the ones we got at the United States Hotel. Most of the kids around High Hope used to have to eat at home, but Jommy and Marijane and me, we used to eat at the Hotel almost all the time, on account of Mom had the bug as bad as Pop; and after she'd been out panning all day, she didn't feel much like starting in to cook any fancy meals.

The trouble was, Mom and Pop waited too long; they got hit by the gold fever so late that when we finally got ourselves out to the fields, all the big strikes were made already, and there was only the scrapings left. Not that you couldn't get rich on the scrapings. You could. But you had to work at it.

We got around some those years, but the best time, for us kids at least, was at High Hope, on account of those meals old Samuel used to cook at the United States Hotel. We'd wander in there towards noon-day, and they used to let Marijane and me go in back and watch while they loaded up the table. Jommy was too little. He couldn't watch without grabbing for something, but Marijane and me, we could help out some.

They'd put on great big bowls of pickles and Samuel's special kraut, like nobody else could make; then there'd be plates full of butter and fresh bread, and a big pile of spuds about every three feet down the table. There were always a few roasted jackrabbits they'd leave lying around on the table for them that had an extra big appetite that day. I used to catch the rabbits sometimes and they'd give me bullets for huntin', and pay me a nickel a catch. Rabbits were cheap.

Last of all, they'd bring in the big pots of coffee, and the roasts. Mostly the roasts were beef, but there was always something else too —some pork, or a shoulder of mut-

ton, and once in a while some chickens.

We used to just stand there staring at all that food with our eyes popping out of our heads, and then they'd open the big door, and folks would start pouring in. We had a headstart, of course, being inside the room already, so we could always get a couple of good seats, near the roast that looked best. Marijane would sit a little bit aways from me, and we'd put our hands together, so we saved room for Jommy that way. Folks never tried to squeeze us much. But Mom and Pop had to take their chances like everybody else.

THE TIME these greenhorns came to town, it was in the banquet room at the Hotel we spotted them. They looked like old mine hands, sure enough, from their clothes and hands and the way they talked; but in the dining room it showed up right off. Maybe they were putting on, I don't know. But we saw how they came in and looked around politely, and asked somebody where they was supposed to sit. There isn't a prospector in California and never was, who'd be that foolish after he'd spent a few months in a mining camp. Folks get hungry doing that kind of work.

Well, we helped them get a spot, right next to us, and then we got to talking to them. Seems the big fellow was a dockhand from back east, name of Harry Timble, and the fat one, he used to drive a hansom in New York City and his name was Carmichael. I remember how we used to try to figure was that his first name or his last one, cause it was the only one he told us.

After dinner, Mom and Pop came over, and we introduced them to these two greenhorns, and everybody got to talking like old friends. After a while, Pop took Harry and Carmichael into the bar, and we went over to the cabin with Mom. We waited around quite a while, and Mom began to get a little mad, because she wanted to get out to the claim to work, and she wouldn't go without Pop. They were taking some nice money out of the claim those days, and Mom could hardly stand to stay away from it; but still, she'd made this rule from the beginning that she'd never work alone. I think that must have been on account of Pop liked to talk so much, and if she'd let him, he might have spent all his time in town swapping jokes.

Or maybe it was that Mom liked to talk so much, and she couldn't stand to work by herself. I don't know.

ANYHOW, after about an hour, Pop showed up with these two strangers in tow right behind him. They stood out in front a minute, and Jommy and I ran out to watch, and we heard Pop talking to them.

He was saying, "You'll find we're right friendly folks here at High Hope. You fellas says you ain't never panned before. I know the whole camp is gonna want to help you out. It's kinda like a house raisin' on the prairie," he was explaining, "just to welcome a stranger to our midst, and give him a neighborly helping hand."

I could see his eyes were twinkling, and when he stopped to wink at Mom, over to one side, I knew what was coming, so I wasn't surprised when he called me all of a sudden, as if it had just entered his mind.

"Randy!" he said, "Run over and tell the Hopkinses and Carraways we're goin' to take these young fellas out to Angel Point tomorrow in the mornin'. They'll spread the word." Then just before I took off, he turned back and started in explaining to them again.

"Angel Point," he said, "is about the best spot around here that ain't claimed yet. Folks kept clear of it while there was better locations, on account of there's funny currents in the river aroun' there. Sometimes you'll get a panfull, sometimes you don't get nothin'. Might make a thousand in a day, might not make a cent. But when it runs, it sure does run good."

I'd heard the rest of that speech plenty of times before, Pop had sort of took it upon himself, since we got

to High Hope, to initiate all the newcomers. Any old mining hand knows you're not going to show him any spot that's even a little bit good. If you're too busy working another claim yourself, you'll just keep your mouth shut about anything else until you can get around to it. But it seemed like these fellows were regular greenhorns, and they were swallowing the story whole, and fast as everybody else in town gulped down Samuel's kraut.

I went off to tell Kim Hopkins and Spike-nail Carraway about the next morning, and then I left them to spread the word to the rest of the miners, and located the kids for myself. When I got home, it was supper time, and Mom and Pop were just coming down the trail from the claim. I could see they were arguing, and I knew what about. Every time a greenhorn came along, Pop started talking Angel Point, and Mom would make a fuss about it at home, saying he had no business deceiving poor ignorant people that way, and that any man who came to the gold fields had trouble enough without his neighbors inventing ways to plague him.

Pop would argue that everybody had a right to a little fun once in a while, and they'd keep at it for hours. But come morning, Mom would be in the thick of it, just like Pop, or maybe more so. The thing about Mom was she loved fun and laughter, but she hated to see anybody unhappy. I've seen her rip off a pearl necklace and give it to a sick little girl who thought it was so pretty. Foolish, maybe, but that's the way Mom was, and Pop pretty much, too. They liked to have a good time themselves, and they liked to see other people happy, and sometimes they had a terrible time deciding which was better.

The Angel Point shindigs always made Mom feel bad...until they got started.

THIS ONE started out, and you could see right away it was going to be something special. There was that kind of funny tenseness in the air that you get when somebody who's just made a big strike comes in town, even before anybody knows about it; or when a bad accident is going to happen. You could just feel there was something different going on this time.

Pop ran the doings, like he always did. He was puffed out like a tomcat that's just killed its own shadow. Pop was a man who always liked to be in the middle of things. He had a pan for himself, and a pan for them; and when all the folks were gathered together on the river bank, he started preparing to begin to commence to demonstrate panning.

Meanwhile, Kim Hopkins and Spike-nail Carraway were taking in the bets. I don't know how they did it in other camps, but whenever my Pop ran things like this, they always did it a very simple way. Pop's pan was salted, and the greenhorns' wasn't. Pop would show them how to pan, and turn up a little dust. They'd go hot after it, and come up with nothing. Pop would try again...and he'd strike it again. And of course no matter how many times they tried they never come up with a thing, on account of there was no more gold at Angel Point than there is in a white-tile bathtub.

Meantime, everybody else would place their bets with Kim Hopkins and Spike-nail, and there'd be plenty of dust changing hands too. Nobody worked a morning like that. But the lucky hombres who guessed the right number—how many pans it would take for the strangers to catch wise, generally made out better than they would have if they'd done some panning themselves.

The bets were especially high that day. These two fellows didn't look like greenhorns, you see, but the way they'd acted at the United States Hotel meant they were. Anyhow, it was pretty clear they weren't run-of-the-mill newcomers, so everybody had a violent opinion; and everyone was guessing one pan, or twenty, real low or real high. All in all, there was lots of excitement.

Pop managed to draw it out, too. He put in a full hour making prepa-

rations such as were never seen on earth for a mighty simple operation like panning. I don't think anybody ever recalled exactly what it was he did, he managed to get it all so mixed up; but I know for sure he spent an hour at just getting ready, because I had a frog at the time that used to get hungry one an hour almost as regular as a clock, and I fed him just before we went out to the river, and he was snapping around again just about the time Pop dipped the first pan in.

I could see then why he made such a powerful show out of it. He really outdid himself that time, and came up with a pan without a fleck of gold in it...except for two of the roundest, sweetest nuggets you ever did see.

The strangers seemed to swallow it all. I couldn't see how the greenest hombre could take that in his stride, but this Carmichael and Harry, they just ate it up, and waded out right into the river with their pan. Pop was talking fast all the time, explaining to them that they weren't likely to find any more nuggets.

"Somethin' like that, it'll get washed down now 'n then," he was saying, "but it don't prove nothin' about the water."

He kept talking like that, really playing it up, making like he was trying to discourage them. Pop had a face as round and innocent as a baby doll and he had blue eyes that looked like he couldn't hurt a fly if he had to do it to save his poke. Folks just naturally couldn't help believing everything he said. But when he put on a show like this, it was like gold-plating a solid nugget.

"You got to watch the currents," he kept telling them. "This kind o' stream, it all depends on where at you're gona dip your pan. One spot, you'll be a millionaire; another spot, an' you'll starve to death."

NATURALLY, when they came up without a thing, after shaking and washing and shaking and sifting, it was pretty easy to understand. Pop tried again, to show them how.

"See if you kin kinda get the feel of the current here, like I do," Pop kept saying.

The betting kept getting faster and higher. Hombres who'd put their poke on a low number started trying to find takers for real high figures, to even out. But everybody was beginning to realize this whould be something special. I could see Mom was beginning to get in the spirit of things, too. She waded right out there, and began panning alongside Pop.

The count began mounting up. Three pans on each side, Pop's with a nugget or some dust each time, the greenhorns' without a thing, no matter which one of them tried, or in what part of the stream. Mom panned the fourth one for Pop, and came up with some dust; then, when Carmichael went to dip his pan again, Mom went over and stood next to him, "for good luck," she said.

Carmichael came up with a panful of dust.

I was standing real close, and I saw Pop wink at Mom, but nobody else saw. All the folks on the bank saw, between laying bets, was that Carmichael had struck it. They went wild. Some of 'em waited to see him come up a second time with another panful, but most of them were off with the first, staking claims up and down the bank. I doubt there was such a rush as that since the news first crept out of Sutter's Mill.

People went scampering up and down the banks, like so many monkeys. You'd think they'd have known better, after all the times that stream had been washed for greenhorns, but the thing about gold is, you never know. It'll turn up all of a sudden someplace, where there wasn't no sign before. Maybe some rock or sand finally got washed away in the river bed where there was gold underneath. Maybe a flood in the mountains changed the bed somehow. You never know, except when you see it.

Finally, Mom and Pop were the only ones left. They knew where that dust had come from all right, and they were standing by, telling

these greenhorns that they didn't have no need for claiming a strip of the river, they had all they could work over on the Low Hill to the west.

They just stood around there, talking and smiling, and winking to each other every now and then, and I could see they were practically busting, waiting till the folks in town found out what a joke had been played on them.

THEN IT happened. Harry Timble dipped the pan, and brought up a full two onces, I think, and Mom *nor* Pop had been anywheres near it. It took them a couple of minutes to realize it. They just sort of stood and looked at each other, and figured it out real slow.

Then Mom made a leap for the bank like a snake had bitten her.

"What you waitin' for?" she yelled at Pop. "C'mom. Let's get movin'."

Pop just stood where he was in the water, looking sick.

He didn't even try and stop Mom. I guess he thought she might as well work it out of her system, running a little, until she realized claim-hunting wouldn't do a bit of good at that late date. Everything up and down the river as far as you could walk was taken already.

In those days, every camp had its own system for claims, and the way we did it at High Hope, a man had rights to a hundred feet on either side of the spot where he started panning, and fifty feet of dirt back of the river, on both banks. Down about 500 feet, the river went into another one that was all staked out already. That meant almost five hundred folks were staking out their spots upriver already, and Mom would have had to do a two mile run to get a claim.

She came back pretty quick, as soon as she figured all that out for herself. Pop was sitting up on the bank by that time, watching them pull out gold. He just sat there and stared, and sort of talked to himself very quietly. When Mom came back, she sat down beside him, and then they were both just sitting and staring, and neither one said a work. And Carmichael and Harry Timble, they stood there in the river and panned out gold.

That went on for a couple of hours. Mom and Pop didn't seem to think about going back to work themselves at all. They just watched and hated themselves. They were so busy being mad at themselves, that they didn't even seem to notice at first, when each pan brought up less and less, and finally there was nothing at all.

Finally Carmichael threw his pan down and waded up on the shore, and sat down next to Pop.

"Crazy river!" Carmichael said.

"Ab-so-loot-ly loco!" Pop said, and he meant it.

"Is it always like this?" Carmichael asked.

"Once every other blue moon," Pop said, "and then folks is often as not color-blind."

"A man'd feel better," Carmichael said, with some feeling, "if he had some idea what he was goin' to get out of a claim, instead of a crazy river like this."

That's when Pop came to.

"You mean," he said, trying to sound as if he didn't care one way or the other, "You mean, you don't like this spot?"

"I damn sure don't," Carmichael said. "I'm a nervous man. I'd go crazy here myself."

"Well," said Pop, thinking it over very carefully, or trying to sound like he was, "if yore pardner feels the same way, I might take it off yore hands, although I'm double-blessed if I know what I'd do with it, what with all I've got over on the Hill already."

"Well now," Carmichael said, "I hadn't thought o' that. You mean, I can sell this piece o' land, just as if I'd bought it or laid claim to it in the United States Territorial Office?"

"We make our own law around here," Pop said. "The land belongs to you right and legal. Oney don't get all hepped up now, because I ain't a-tall sure I want t'buy. I was just thinkin' out loud, as it was."

"Well," said Carmichael, "We

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might just as well get Harry into it, and all of us do our thinking out loud together. That way we might get somewhere. Hey, Harry!" he yelled.

TIMBLE came wading out, and plopped down next to the two of them. Mom wasn't in on the confab. The two strangers never seemed to think a woman might have a say about land. Mom didn't seem to mind, though. I think she was kind of figuring to herself, whichever way it went, if it was no good in the end, it would all be Pop's doing.

The three of them sat and dickered there for a half hour or more, and then finally they got it all settled.

"Five hundred in gold and not another cent!" Pop was bellowing at them. I knew it had to go for that, if it was going, on account of Pop didn't have another cent more than that. Only I could see too, Mom was scratching with a stick in the ground, and I think she was trying to figure out how much they could raise if the two greenhorns wouldn't listen to reason.

Carmichael was willing enough. He'd have let it go for less, from the way he was talking. But Harry Timble wouldn't hear of it. Only finally, I guess he realized he wasn't going to get any more than that, and they all went back to our cabin in the camp, to draw up a bill of sale.

Pop made it out for them, and they were sort of surprised at how we did it in our camp. It was just, *"Ralph Greenacher has paid up $500 in gold for which he has title to the first plot located on Angel Point in our name,"* and then they signed it. They said it didn't seem legal to them, but Pop told them it was legal enough for High Hope, so after a while everybody shook hands, and they were going to use the money to grubstake themselves for some rock mining. They just didn't seem to like placer-mining after what they'd seen of that crazy river.

Well, Mom and Pop managed to wait until they were out of earshot to let loose in a war whoop and an

Indian dance. But once they got started, there was no quieting them down that morning, no matter who tried it, and nobody would have tried. They went on in to lunch at the hotel feeling so good that Pop bought drinks for himself and Mom, and candy for us kids. The five of us ate alone. Everybody else was out working that river, and right after dinner, Mom and Pop hiked out again to get at their claim.

Jommy and I stayed around the hotel. We figured the excitement was all over. We were sitting around in back, talking to old Samuel right outside the kitchen door. Samuel was about seventy yars old, and he'd been practically everyplace, and he had more stories to tell than my cat had fleas. So we were listening to one of old Samuel's yarns, and every now and then we heard the greenhorns, packing up their things in the room upstairs, talking about that morning's work at Angel Point.

After a while, we stopped listening to Samuel, and just listened to what they were saying upstairs. Jommy and I looked at each other, and we wondered what to do. We didn't either of us want to go tell Pop what we'd heard, but we figured we better do it, before the fellows left town. So we told old Samuel we had to go out to the river to help, and we went out, but I can tell you, we went plenty slow. We were arguing all the way about who should tell them. I said Jommy should, because he was younger, and he said I should, because I was older.

WHEN WE finally got out there, I realized I'd have to do it, because Jommy was too scared. I called to Pop, real easy, just in case we were wrong.

"Hey, Pop, how're you doing?"

"Not a blessed thing all afternoon," he said in disgust. He looked hot and mad, and I was getting more scared by the minute, so I came out with it, all of a rush.

"Pop," I said, "Listen, Pop, and please don't get mad, but we was listening to them greenhorns, Jom-

(Continued On Page 106)

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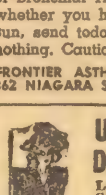

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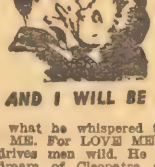

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(Continued From Page 105)

my an' me, an' we heerd 'em talkin'. an' they was sayin'..."

I almost stopped there, on account of Mom and Pop had both stopped working, and they were standing stock-still staring at me. I took a deep breath and finished.

"They were sayin', by Gawd! they made out better than they thought on account of the fools here was saltin' the pans with real gold. An' then they said..."

"Well I'll be double-blessed, and sent to the other place." Pop said.

"Mollie," he turned around and looked at Mom. "Mollie, we been took over and done for."

They both stood there looking at each other, and getting red in the face, and Jommy and I stood and waited to see if we should start running to get the other folks to get hold of the strangers and even out day's work.

"Hey Pop, should I go tell Carraway?" Jommy piped up.

Pop turned around real slow, and looked at Jommy as if he'd forgotten who he was.

"What for?" he said.

"To show them fellers they can't pull off a stunt like that here," I said indignantly.

Pop looked at me then, the same funny way.

And then all of a sudden he and Mom were hugging each other and laughing loud enough to frighten the jack-rabbits out of the brush.

"Tell 'em?" Pop yelled, when he could catch his breath. "Tell 'em? Listen you young children of all the imps, if you ever breathe a word about it, or about us buyin' this plot either, you'll get a lickin' like you never had before and never will have again."

Then he and Mom came up and sat on the bank and laughed and laughed. They had their own idea of what was funny, even if the joke was played on them...just so other folks didn't know.

We left High Hope a couple months later, when Pop heard about a good strike a little farther north. It was too bad, because we never did get meals like old Samuel's anywhere again.

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(Continued On Page 108)

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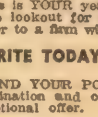

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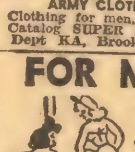

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DOUBLE ACTION WESTERN

(Continued From Page 107)

aged owner, who got nothing out of it for months at a time, sold it for a hundred and fifty smackeroos?

That first thing happened, sure enough, at Sierra City, when Captain Tom Stoddard showed up one day with a fistful o' gold nuggets after a prospecting trip up in the hills. They grabbed a-hold of the poor man, an' pushed him an' pulled him till he'd tell where-at he found such gold, an' finally he give in an' said it come from Gold Lake.

Well, Stoddard set out from Poorman's Creek with a party of six men, an' another six or so went along all on their own. Half a hundred more took it upon theirselves to spread the word, and trail along after, an' within a day there was three thousand souls, from up and down the Yuba, a-climbin' up that mountain to find Gold Lake.

Stoddard took them to a lake, all right, but there wasn't anybody ever found any gold at that place an' he come mighty close to bein' lynched when those three thousand fellers found out what a walk they had had theirselves for nothin'.

(Continued On Page 109)

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wrapped in his buffalo robe, and dead to the world.

THIS GENTLEMAN was known as the messenger, and the reason that he was probably asleep is that the company expected him to stay awake—for the full journey of almost a week, day and night. All the goods carried were under his care. It was up to him to see that nobody lost anything and everything got where it was going. He had to snatch his sleep by the hour or half-hour, and he was likely to do it whenever the stage hit what he considered to be a comparatively safe stretch.

The only trouble with that was that the aforementioned highwaymen, unless they were a lot dumber than they should have been, were likely to pick one of the stretches the messenger would consider safe to attack from. They were also likely to arrange things with the driver first, if they could possibly manage it—and they could manage it often enough so that those who didn't deserved to have the prize get away from them.

Hardly any stage robberies were attempted without some inside help. There was too much risk involved to make it worth the outlaws' time, unless they knew to the decimal point how much bullion the coach was carrying, and what their chances were of getting it.

In a number of well-known cases, the driver was tied in directly with the desperadoes. One robbery that was carried off successfully in Montana in 1865 indicates the somewhat-less-than-daredevil manner in which the outlaws were most likely to operate. The coach left Virginia City, heavily loaded with dust and gold, and with seven passengers who owned the treasure all set for trouble. Each man carried a shotgun, and they took turns sitting at the windows, ready for anything that came along.

There was a man with the driver up front. Probably the passengers thought he was the messenger.

If he was, he was carrying messages for the wrong side. At an isolated, wooded part of Port Neuf Canyon, as the carriage drove into a stand of willow trees, he suddenly called out,

(Continued On Page 110)

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guished board of trustees, P. T. Barnum, Esq. The laborers are enable to carry on their work by the light of diamonds, which brilliantly illuminate their vast excavations..."

Never did hear whether any damn fools answered that one. Seems a little far gone for the nuttiest get-rich-quick-er. But there was one come out in a newspaper column where they was tryin' to debunk that kind o' thing. It was a suggestion for an international laundry at a hot borax spring that come up natural out o' the ground just a few milew away from where the paper was put out at minin' camp. That hot soapy water could wash all the dirtyclothes in the world, they said, without no expense nor trouble.

Sure enough, lttle later, come a letter to the paper askin' who was promotin' the scheme, and where-at they was located. Seems it come from a laundry machinery compahy that wanted to get right in there on the ground floor by selling them the equipment with which to wash all the world's dirty clothes.

BUT SOME of the best yarns of those days aren't jokes at all. Gold brought some mighty peculiar people out to the mountain country, and maybe the strangest one of all to think of out there was Lola Montez. This Lola had done pretty well for herself back in Bavaria, in Europe. She was born in Ireland, an' her name wasn't Montez then, either, but by the time she hit Bavaria, she was Montez, an' stayed that way. She stayed that way right through the time King Ludwig took 'er into his house an' home without benefit of clergy or counsellors or anything else, an' she stayed just Lola Montez right through the local revolution Ludwig finally had on his his hands on her account.

She stayed Lola Montez, but she didn't stay in Bavaria. She was a right smart gal, and she knew when the climate stopped being healthy, so she up an' packed her bags, put a silver chain on her pet bear, an'

worked her way out to Grass Valley, playing the lead in a show that must of have been nice and easy for her. It was called *Lola Montez in Bavaria.*

When Lola saw Grass Valley, she made up her mind right off that's where she was a-stayin'. She moved into a little miners' town, with her velvet gowns an' champagne, an' her pet bear, an' all the rest, an' she got to work right away.

Lola had an idea. It may sound crazier now than any tall tale I could tell you, but Lola Montez wanted to be the first Empress of California. That was 1851, when it would've been mighty easy for the Californians to set up their own government, an' secede from the United States. There wasn't any telegraphs or railroads built out there yet, an' if her plans had worked like she meant 'em to, it could've been done. I don't know just exactly what stopped her; but I got a hunch it was the ladies. Nobody knew what it was she had in mind, or those as did know didn't talk, not till a while later when the Montez had made her way to riper pickin's in Australia.

All the ladies of Grass Valley knew was that the young fellers who had any money were spendin' their time eatin' Lola's French cooking, and drinking her wine, an' enjoying the view where her velvet gowns were cut down low, instead of comin' regular to court the young girls of the vicinity. An' when the women get up in arms, nobody's a-goin' to start a new Empire.

Lola had a run-in with a local editor, who printed somethin' she didn't like, and took herself a horsewhip, and went on down to the office, an' showed him what she thought of his ungentlemanly conduct.

But she couldn't do the same thing to all the ladies of Grass Valley, so she finally took her bear and her wine and her wardrobe, and went off to find another empire.

But even if Lola's plans didn't work out jus' the way she planned 'em, there was other girls, a little less ambitious maybe, but a little more

(Continued On Page 112)

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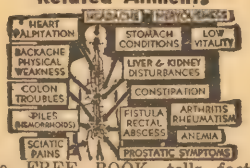

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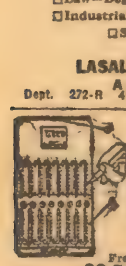

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DOUBLE ACTION WESTERN

(Continued From Page 111)

practical, who got what they come after. Mary Mahaffey come out west, followin' the miners, an' set up housekeepin' with a fiddler in the local ginmill. Everybody in town knew about Mary and the musician, but that didn't interfere with the fact that she was a popular dancin' partner in the saloon.

One day a young rancher come to town, an' as soon as he got a good gander at Mary, his heart was leapin' up an' down in time to the wedding march.

Well, Mary wasn't one to turn away a good thing but she didn't plan to leave her fiddler neither. She finally got it figured out what to do.

Pretty soon, the wedding invitations went out. They read like as follows:

"Dear Colonel—

A rancher from Bear River will be spliced to Mary Mahaffey this evening. The business will be transacted over at Dawson's Castle, Parson Jack White bossing the affair. You are wanted for to be there, for Mary would feel bad if you wasn't.

Committee of Inviters.

P.S. No guest will have to kiss the bride if he don't want to. Parties will leave their firearms and cutting implements at home."

That was one wedding nobody was goin' to miss, mainly on account of everybody knew Jack White, an' he wasn't no parson at all, but a gambler. The whole thing went off with a bang. Tom Marsh, who ran the saloon, made out a marriage license, and Jack White read the ceremony. Then everybody had a wedding supper. The party lasted till midnight, and the food an' liquer cost the young rancher just exactly eight hundred dollars.

It turned out to be an awful expensive party for him. He wouldn't have minded if he got Mary in the deal, but when she finally pulled out a shootin' iron, an' informed him to git, he didn't like it one bit.

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Now play BINGO at home with this fascinating automatic Bingo outfit. You'll get an added kick pushing the levers waiting for your winning numbers to come up.

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Only $2.98 Complete

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Send name and address today. We will ship "POT-LUCK" complete with chips, instructions, etc., by return mail. Pay postman $2.98 plus postage. If you prefer to save postage, enclose $3 now.

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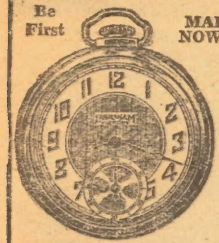

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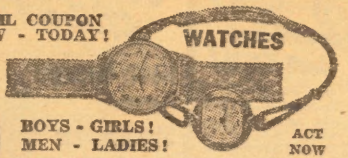

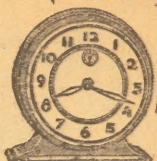

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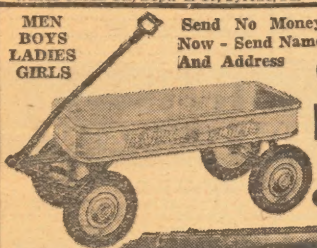

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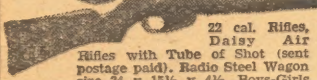

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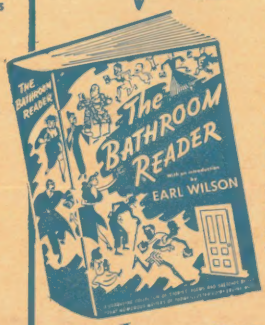

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"Before completing the N.I.A. course, I sold a feature to Screenland Magazine for $50. That resulted in an immediate assignment to do another for the same magazine. After gaining confidence with successive feature stories, I am now working into the fiction field. Previous to enrolling in N.I.A., I had never written a line for publication, nor seriously expected to do so."—Gene E. Levant, 116 West Ave. 28, Los Angeles, Cal.

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"Have just completed the first half of my N. I. A. course. It is rather early to think of myself as a writer, but nevertheless I am on my way to that goal. Tangible proof of my dawning success is my column "Tignish Tellings" printed in the Summerside Journal." — Kathleen MacDonald, Tignish, P. E. I., Canada.

Have you ever tried?

Have you ever attempted even the least bit of training, under competent guidance?

Or have you been sitting back, as it is so easy to do, waiting for the day to come when you will awaken, all of a sudden, to the discovery "I *am* a writer"?

If the latter course is the one of your choosing, you probably *never will write.* Lawyers must be law clerks. Doctors must be internes. Engineers must be draftsmen. We all know that, in our time, the egg does come before the chicken.

It is seldom that anyone becomes a writer until he (or she) has been writing for some time. That is why so many authors and writers spring up out of the newspaper business. The day-to-day necessity of writing—of gathering material about which to write—develops their talent, their insight, their background and their confidence as nothing else could.

That is why the Newspaper Institute of America bases its writing instruction on journalism—continuous writing—the training that has produced so many successful authors.

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